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THE
Statutes at Large,

FROM THE
Fifth to the Ninth Year of King GEORGE I.

BY
DANBY PICKERING, of GRAY'S INN, Esq;



THE
Statutes at Large,

FROM THE

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Fifth to the Ninth Year of King GEORGE I.

To which is prefixed,

A TABLE containing the TITLES of all the STATUTES
during that Period.

VOL. XIV.

By DANBY PICKERING, of Gray's-Inn, Esq;
Reader of the Law Lecture to that Honourable Society.

CAMBRIDGE,

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CUM PRIVILEGIO.



TABLE of the STATUTES,

Containing the Titles of all such Acts as are extant in print,
from the Fifth to the Ninth Year of King GEORGE I.

Anno 5 Georgii I.

Cap. 1. **F**OR granting to his Majesty an aid by a land-tax to be raised in *Great Britain*, for the service of the year 1719.

Cap. 2. For continuing the duties on malt, mum, cyder, and perry, for the service of the year 1719. and for enlarging the time for entering at the exchequer such assignments of reversionary annuities as are therein mentioned; and for better securing the duties on hides and skins, vellum, and parchment.

Cap. 3. For applying certain overplus monies, and further sums, to be raised, as well by way of a lottery, as by loans, towards paying off and cancelling exchequer bills, and for lessening the present great charge in relation to those bills; and for circulating and exchanging for ready money the residue of the same bills for the future.

Cap. 4. For strengthening the protestant interest in these kingdoms.

Cap. 5. For punishing mutiny and desertion, and for the better payment of the army, and their quarters.

Cap. 6. For quieting and establishing corporations.

Cap. 7. For continuing an act made in the twelfth year of the reign of her late majesty Queen *Anne*, intituled, *An act for encouraging the tobacco trade*.

Cap. 8. For the more effectual relief of such wives and children, as are left by their husbands, and parents, upon the charge of the parish.

VOL. XIV.

Cap. 9. For continuing certain duties upon coals and culm, and for establishing certain funds to raise money, as well to proceed in the building of new churches, as also to compleat the supply granted to his Majesty, and to reserve the overplus monies of the said duties for the disposition of parliament; and for more effectual suppressing private lotteries.

Cap. 10. For enlarging the time granted by two acts of parliament, for repairs of the piers of *Bridlington*, alias *Burlington*; and for making the said acts more effectual.

Cap. 11. Against clandestine running of uncustomed goods; and for the more effectual preventing of frauds relating to the customs.

Cap. 12. For making more effectual the several acts past for repairing and amending the highways of this kingdom.

Cap. 13. For the amendment of writs of error; and for the further preventing the arresting or reversing of judgments after verdict.

Cap. 14. To continue the commissioners, appointed to examine, state and determine the debts due to the army; and to examine and state the demands of several foreign princes and states for subsidies during the late war.

Cap. 15. For making more effectual an act of the third and fourth years of the reign of King *William* and Queen *Mary*, intituled, *An act for the more effectual discovery and punishment of deer-stealers*.

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- fetties in that part of *Great Britain* called *Scotland*.
- Cap. 31. For enlarging the time granted by an act of the ninth and tenth years of King *William*, for cleansing and making navigable the channel from the *Hythe* at *Colchester* to *Wivenhoe*; and for making the said act more effectual.
- Cap. 32. For relief of such sufferers of the islands of *Nevis* and *St. Christopher's*, as have settled in either of those islands, and made due proof of such settlement before the twenty fifth day of *December* 1712.
- Private Acts.*
Anno 5 Georgii I.
1. An act for repairing the roads from the top of *Stoken-Church* hill to *Enslow Bridge*, and the road leading from *Wheatley Bridge* through the city of *Oxon* by *Begbrooke*, to *New Woodstock* in the county of *Oxon* (except the mile-way on each side the city) and to disable all commissioners or trustees appointed for repairing of any highways or roads, to have any place of profit arising out of the toll for repairing such highways or roads.
 2. An act for repairing the roads from *Beconsfield* in the county of *Bucks*, to *Stoken-Church* in the county of *Oxon*.
 3. An act to render more effectual the agreements that have been made between *Thomas Holles* duke of *Newcastle*, *Henry Pelham*, esq; *Edward Lord Harley*, and the lady *Henrietta* his wife, *William Vane* and *Gilbert Vane*, esquires, sons of *Christopher Lord Bernard*, or any of them, in relation to the will and estate of *John* late duke of *Newcastle*; and for settling the same in such manner as may be agreeable to the intent of the said agreements; and for other purposes therein mentioned.
 4. An act to vest the fee and inheritance of the capital messuage called *Halifax House* in *St. James's Square*, in the parish of *St. James, Westminster*, and the castle and manor of *Fotheringhay* in the county of *Northampton*, in trustees, to be sold together with a term of five hundred years devised by *William* late lord marquis of *Halifax* to his executors, in trust, for the better performance of his will.
 5. An act for relief of *Sir Nicholas Tempest*, baronet, touching an estate devised to him by *William* late lord *Widdrington* and lady *Jane* his late wife, many years before the attainder of the said late lord *Widdrington*.
 6. An act to enable *William Granvill*, esq; to take upon him the surname of *Glanvill*, instead of his surname of *Evelyn*, pursuant to the will of *William Glanvill*, esq; deceased.
 7. An act to enable *William Pultney*, esq; and the persons in remainder after him, to make leases of the houses and ground therein mentioned, and to rectify some mistakes in two leases from King *Charles* the Second to *Sir William Pultney*, and from King *William* the Third to *John Pultney*, esq;
 8. An act for vesting certain lands and tenements in the county of *Somerset*, the estate of *Thomas Fetti*, esq; in trustees, to be sold; and with the money arising thereby, to purchase other lands of the like value, to be settled to the same uses.
 9. An act for vesting in *John Porrett*, gent. and his heirs, part of the estate of *Thomas Davison*, esq; at *Stranton*, *Seaton*, *Carew* and *Thorp Thewles* in the county of *Durham*, freed from the uses and trusts of the said *Thomas Davison's* marriage settlement, and to settle other lands of better value to the same uses.
 10. An act for sale of several manors, lands, tenements and hereditaments of

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- of the right honourable *Thomas* earl of *Westmorland* in the county of *Kent*, and with the monies arising by such sale to purchase other lands in or near the county of *Northampton*, to be settled to the same uses.
11. An act for vesting an estate late of *Francis Phelps*, esq; in *Barking* in the county of *Essex*, in trustees, to be sold for the purposes therein mentioned.
12. An act to enable *Thomas Willoughby*, esq; and the persons in remainder after him, to make a jointure.
13. An act to enable *Catherine Paul*, an infant, to transfer the trust therein mentioned, as if she were of the age of one and twenty years.
14. An act for confirming an agreement between the mayor and commonalty and citizens of the city of *London*, governors of the possessions, revenues and goods of the hospitals of *Edward King of England the Sixth*, of *Christ*, *Bridewell* and *St. Thomas the Apostle*, and the governors of the schools founded by *Eraſmus Smith*, esq;
15. An act for sale of part of the estate of *Robert Barnwell*, esq; and for purchasing other lands to be settled to the same uses, as the estate to be sold is settled.
16. An act for sale of the estate of *Nathaniel Long* late of *London* merchant, deceased, for payment of his debts, and for applying the residue according to the direction of his will.
17. An act to naturalize *Peter Sejourne*, *Samuel Dufresnoy*, and *Peter Lucas*.
18. An act for naturalizing *Lodowick Christian Sprogell*.
19. An act for making the town and township of *Sunderland* a distinct parish from the parish of *Bishop Wearmouth* in the county of *Durham*.
20. An act for vesting the manors of *Askie*, *Catterton*, and other lands in the county of *York*, and county of the city of *York*, part of the estate of *Philip* duke of *Wharton*, in trustees, to be sold or mortgaged for the purposes therein mentioned.
21. An act to enable the lords commissioners of the treasury, or lord high treasurer for the time being, to compound with *Jasper Cullum* for the debts he stands engaged for to the crown on account of *Richard Lee*, *Thomas Corbin*, *Heneage Robinson* and *John Fox*, for the duties on tobacco.
22. An act to enable the lords commissioners of the treasury, or lord high treasurer for the time being, to compound with *Robert Wemes* for the debt due from him to his Majesty, in relation to the duties on salt.
23. An act to enable *Robert Packer*, esq; and *Mary* his wife, *Winchcombe Howard Packer*, (their son a minor) *Henrietta Winchcombe*, and *Thomas Skerret*, esq; and dame *Elizabeth Winchcombe* his wife, to enter their respective claims before the commissioners and trustees for determining claims upon the forfeited estates, and to empower the said commissioners and trustees to hear and determine the said claims.
24. An act for the relief of *Edward Clent*, esq; executor of lieutenant colonel *Thomas Clent*, for an army debenture lost in the pay-office.
25. An act to naturalize *Peter Lamy de Hame*, and *Charlotte Whetstone*.

Anno 6 Georgii I.

Cap. 1. For granting to his Majesty an aid by a land-tax to be raised in *Great Britain*, for the service of the year 1720.

Cap. 2. For continuing the duties on malt, mum, cyder and perry, for the service of the year 1720, and for enabling the lords commission-

A TABLE of the STATUTES.

- ers of his Majesty's treasury to call in such exchequer-bills as are to be cancelled and discharged with money appointed for that purpose.
- Cap. 3. For punishing mutiny and desertion, and for the better payment of the army and their quarters.
- Cap. 4. For enabling the *South-Sea* company to increase their present capital stock and fund, by redeeming such publick debts and incumbrances as are therein mentioned; and for raising money to be applied for lessening several of the publick debts and incumbrances; and for calling in the present exchequer-bills remaining uncanceled; and for making forth new bills in lieu thereof, to be circulated and exchanged upon demand at or near the exchequer.
- Cap. 5. For the better securing the dependency of the kingdom of *Ireland* upon the crown of *Great Britain*.
- Cap. 6. For preventing the carriage of excessive loads of meal, malt, bricks and coals, within ten miles of the cities of *London* and *Westminster*.
- Cap. 7. For laying a duty of two pennies *Scots*, or one sixth part of a penny sterling, upon every pint of ale or beer that shall be vended or sold within the town of *Montrose*, and privileges thereof, for supplying the said town with fresh water, and for other purposes therein mentioned.
- Cap. 8. For laying a duty of two pennies *Scots*, or one sixth part of a penny sterling, upon every *Scots* pint of beer or ale vended or sold within the town of *Bruntisland* and liberties thereof, for increasing the publick revenue of the said town, and for other purposes therein mentioned.
- Cap. 9. For laying a duty of two pennies *Scots*, or one sixth part of a penny sterling, upon every *Scots* pint of beer and ale that shall be vended or sold within the town of *Pittenweem* and liberties thereof, for repairing the harbour there, and for maintaining other publick works of the said town.
- Cap. 10. For making forth new exchequer-bills, not exceeding one million, at a certain interest; and for lending the same to the *South-Sea* company at an higher interest, upon security of repaying the same and such high interest into the exchequer, for uses to which the fund for lessening the publick debts (called the sinking fund) is applicable; and for circulating and exchanging upon demand the said bills at or near the exchequer.
- Cap. 11. For laying a duty upon wrought plate; and for applying money arising for the clear produce (by sale of the forfeited estates) towards answering his Majesty's supply; and for taking off the drawbacks upon hops exported for *Ireland*; and for payment of annuities, to be purchased after the rate of four pounds *per centum per annum* at the exchequer, redeemable by parliament; and for appropriating supplies granted in this session of parliament; and to prevent counterfeiting receipts and warrants of the officers of the *South-Sea* company; and for explaining a late act concerning foreign salt cellared and locked up before the four and twentieth day of *June 1719*; and to give a further time for paying duties on certain apprentices indentures; and for relief of *Thomas Vernon*, esq; in relation to a parcel of senna imported in the year 1716.
- Cap. 12. For preventing of frauds and abuses in the allowances on damaged wines, and for lengthening the time for the drawbacks on the exportation of wines.

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- Cap. 13.** For ascertaining the breadths, and preventing frauds and abuses in manufacturing serges, pladings and singrums, and for regulating the manufactures of stockings, in that part of *Great Britain* called *Scotland*.
- Cap. 14.** For prohibiting the importation of raw silk and mohair yarn of the product or manufacture of *Asia*, from any ports or places in the *Streights* or *Levant* seas, except such ports and places as are within the dominions of the *Grand Seignior*.
- Cap. 15.** To repeal so much of the act, intituled, *An act for preventing frauds, and regulating abuses in his Majesty's customs*, passed in the thirteenth and fourteenth years of *King Charles* the Second, as relates to the prohibiting the importation of deal-boards and fir-timber from *Germany*.
- Cap. 16.** To explain and amend an act passed in the first year of his Majesty's reign, intituled, *An act to encourage the planting of timber-trees, fruit-trees, and other trees, for ornament, shelter or profit, and for the better preservation of the same, and for the preventing the burning of woods*, and for the better preservation of the fences of such woods.
- Cap. 17.** For appointing commissioners to examine, state and determine the debts due to the army; and to examine and state demands of several foreign princes and states for subsidies during the late war.
- Cap. 18.** For better securing certain powers and privileges intended to be granted by his Majesty by two charters, for assurance of ships and merchandizes at sea, and for lending money upon bottomry; and for restraining several extravagant and unwarrantable practices therein mentioned.
- Cap. 19.** For making perpetual so much of an act made in the tenth year of the reign of *Queen Anne*, for the reviving and continuing several acts therein mentioned, as relates to the building and repairing county gaols; and also an act of the eleventh and twelfth years of the reign of *King William* the Third, for the more effectual suppression of piracy; and for making more effectual the act of the thirteenth year of the reign of *King Charles* the Second, intituled, *An act for establishing articles and orders for the regulating and better government of his Majesty's ships of war and forces by sea*.
- Cap. 20.** For continuing the acts formerly made for repairing the highways in the county of *Hertford* therein mentioned, and for making the said acts more effectual.
- Cap. 21.** For preventing frauds and abuses in the publick revenues of excise, customs, stamp-duties, post-office, and house-money.
- Cap. 22.** For relief of insolvent debtors, and for the more easy discharge of bankrupts out of execution, after their certificates allowed.
- Cap. 23.** For the further preventing robbery, burglary, and other felonies, and for the more effectual transportation of felons.
- Cap. 24.** For better explaining the nature of conveyances to be made to the purchasers of the forfeited estates by the commissioners and trustees acting in *Scotland*; and for preventing difficulties in determining claims on the said estates; and to enable the judges in *Ireland* to examine witnesses relating to claims on forfeited estates there; and for enabling such corporations as shall purchase any of the said estates, to grant annuities, not exceeding the yearly value of the said estates; and for relieving the widow and daughters of the late *Sir Donald Macdonald*.

Cap.

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- Cap. 25. For repairing the roads from *Stevcnidge* in the county of *Hertford*, to *Biggleswade* in the county of *Bedford*.
- Cap. 26. For enlarging the term granted by an act in the fourth year of his Majesty's reign, intituled, *An act for repairing the highway, leading from the Stones-End in Kentstreet to the Lime-Kilns in East-Greenwich near Black Heath, and to Lewisham church, being the Tunbridge road in the county of Kent*; and for repairing and amending the highways and roads leading from *Westminster ferry* in the parish of *Lambeth* in the county of *Surrey*, to *New-Cross* in the parish of *Deptford* in the county of *Kent*; and for enlarging the term granted by an act passed in the fourth year of his Majesty's reign, intituled, *An act for amending the roads from the city of London to the town of East-Grinstead in the county of Suffex, and to Sutton and Kingston in the county of Surrey*; and for explaining and amending the same act.
- Cap. 27. For making the river *Darwent* in the county of *Derby* navigable.
- Cap. 28. For making the river *Douglas*, alias *Alland*, navigable from the river *Kibble* to *Wigan* in the county palatine of *Lancaster*.
- Cap. 29. For preserving and improving the navigation of the river *Ouse* in the county of *Huntingdon*.
- Cap. 30. For making the river *Idle* navigable, from *East-Retford* in the county of *Nottingham*, to *Bawtry-Wharf* in the county of *York*.

Private Acts.

Anno 6 Georgii I.

1. An act for settling and assuring the manors of *Orton* and *Bottle-Bridge*, and other premisses in the county of *Huntingdon*, to the several uses mentioned in the will of *Margaret* late duchess of *Newcastle*, and for other purposes therein mentioned.
2. An act for vesting part of the estate of *Thomas* earl of *Hadinton*, in trustees, to be sold, and with the monies arising thereby, to purchase other lands of the like value to be settled to the same uses.
3. An act to enable *Anne Walker*, alias *Baughs*, a minor, the wife of *Thomas Folliot Walker*, gent. to sell and convey unto the right honourable *William Conolly*, esq; and his heirs, her share and proportion of several manors, lands, tenements and hereditaments in the kingdom of *Ireland*, devised to her by the last will of *Thomas* late Lord *Folliot*, deceased; and for other purposes therein mentioned.
4. An act for confirming a partition made between the right honourable *George* lord *Carbery*, baron of *Carbery* in the kingdom of *Ireland*, and *Henry O-Brien*, esq; of certain manors, lands and hereditaments in the several counties of *Northampton* and *Rutland*.
5. An act for inclosing the common, commonly called *Baltonsbury* common, in the parishes of *Baltonsbury* and *Bradley* in the county of *Somerset*.
6. An act to enable *Thomas Dove*, esq; to raise two thousand pounds upon his estate at *Upton*, *Sutton*, *Aylesworth* and *Castor*, and to make sale of his estate at *Heathencote* in the county of *Northampton*, for discharging incumbrances upon the said estates, raising of portions for his brother and sister, and payment of his father's and his own debts.
7. An act for inclosing the heath or common, commonly called *Gratwood Heath* in the parish of *Ecclesball* in the county of *Stafford*.
8. An act to enable the lessees and farmers of *Daniel Whitby*, doctor in divinity, and prebendary of the

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- prebend of *Teington Regis*, in the cathedral church of the blessed lady *Mary the virgin*, of *Sarum*, and of all succeeding prebendaries of the said prebend for the time being, to make leases of the copyhold lands of the several manors of *Preston*, alias *Prestown*, and *Churchland*, alias the *Parson's Land*, in the county of *Devon*.
9. An act for making the townships of *Shipston* and *Tidmington* a distinct parish from the parish of *Tredington* in the county and diocese of *Worcester*, and for dividing the rectory of the said parish of *Tredington* into three parts.
10. An act for supplying the defects in, and better performance of the will of *Edmund Dunch*, esq; deceased.
11. An act for discharging certain estates in the counties of *Lincoln* and *Warwick*, of and from the uses and limitations contained in the marriage-settlement of *Sir William Keyte*, baronet, and settling other lands in the county of *Gloucester*, of greater value to the same uses.
12. An act for vesting the estates of *Sir John Hales* and *Sir Christopher Hales*, baronets, deceased, in trustees, to be sold, for raising money for the paying and discharging the debts and incumbrances charged thereupon, and affecting the same, and for other purposes therein mentioned.
13. An act for sale of part of the estate of *Sir John Chichester*, baronet, for the purposes therein mentioned.
14. An act to enable *Elizabeth Gormeldon*, widow, and her trustees, to enter their respective claims before the commissioners and trustees of the forfeited estates, and to empower the said commissioners and trustees to hear and determine the same.
15. An act to enable *Laurence Broderick*, an infant, to perform certain articles of agreement entered into by *Anne* his mother, since deceased, to whom he is heir.
16. An act to enable trustees to sell part of the estate of *John Sandford*, esq; deceased, for the payment of his debts and legacies, and for other purposes therein mentioned.
17. An act for sale of the estate of *William Pembroke*, late of *Portsmouth-Dock*, deceased, situate at *North-Mims* in the county of *Hertford*, for the purposes therein mentioned.
18. An act for vesting the estate of *John Pendarves*, late of *Roscrow* in the county of *Cornwall*, esq; deceased, in new trustees, to and for the same uses, intents and purposes, as are mentioned in his will.
19. An act to enable *John Rosier*, esq; and his issue, to change their surnames from *Rosier* to *Reynolds*.
20. An act for the naturalization of *Mary Sophia Charlotte*, viscountess *Howe*, wife of *Scroop* lord viscount *Howe* of the kingdom of *Ireland*.
21. An act for naturalizing *Gerard Van Neck*.
22. An act for naturalizing *Bennet Erasmus Hopfer*.
23. An act for naturalizing *John Backer* and *George Kruger*.
24. An act for naturalizing *Samuel Gampert*.
25. Act for naturalizing *Cornelius Backer* and *Henry de Putter*.
26. An act for naturalizing *Fraucis Van Hemert*, *John Van Hemert*, *Frederick Morgan*, and *Henry Nicholas Sander*.
27. An act for naturalizing *John Henry Grutzman*.
28. An act for vesting the estate late of *Gilbert Nicholletts*, esq; deceased, in trustees for payment of his debts and sisters portions, and for making a provision for his widow and child.
29. An

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29. An act for annexing the late duke of *Shrewsbury's* estate to the earldom of *Shrewsbury*, and confirming *Gilbert* earl of *Shrewsbury's* settlement in order thereto, and for other purposes therein mentioned.
30. An act for exchanging of several small parcels of land in the parish and manor of *Fulham*, belonging to the bishoprick of *London*, for other lands of greater value, to *Charles* earl of *Peterborough* and *Monmouth*, and his heirs.
31. An act to enable any corporations within the university of *Cambridge*, or any other persons, to sell and convey any messuages and ground to the said university, for enlarging their publick library.
32. An act for rebuilding the parish-church of *Saint Martin in the Fields* in the city of *Westminster*, at the charge of the inhabitants of the said parish.
33. An act for sale of part of the estate of *sir Copleston Warwick Bampfylde*, baronet, and for settling another estate of greater value to the same uses.
34. An act to enable *sir James Lumley*, baronet, to settle a competent jointure, and for other purposes therein mentioned.
35. An act for naturalizing *Philip Germain* and *George Hollmans*.
36. An act for naturalizing *George Angell*.

Anno 7 Georgii I.

Cap. 1. For restraining the sub-governor, deputy-governor, directors, treasurer or cashier, deputy-cashier, and accountant of the *South-Sea* company, from going out of this kingdom for the space of one year, and until the end of the then next session of parliament; and for discovering their estates and effects; and for preventing the transporting or alienating the same.

Cap. 2. To disable the present sub-

governor, deputy-governor and directors of the *South-Sea* company, at, from and after the respective times for electing a sub-governor, deputy-governor and new directors of the said company, to take, hold or enjoy any office, place or employment in the said company, or in the *East-India* company, or bank of *England*, and from voting upon elections in the said company.

Cap. 3. For repealing an act made in the ninth year of the reign of her late majesty *Queen Anne*, intituled, *An act to oblige ships coming from places infected, more effectually to perform their quarentine*; and for preventing the plague being brought from foreign parts into *Great Britain* or *Ireland*, or the isles of *Guernsey*, *Jersey*, *Alderney*, *Sark* or *Man*; and to hinder the spreading of infection.

Cap. 4. For granting an aid to his Majesty by a land-tax to be raised in *Great Britain*, for the service of the year 1721.

Cap. 5. To enable the *South-Sea* company to ingraft part of their capital stock and fund, into the stock and fund of the bank of *England*, and another part thereof into the stock and fund of the *East-India* company; and for giving further time for payments to be made by the said *South-Sea* company, to the use of the publick.

Cap. 6. For punishing mutiny and desertion, and for the better payment of the army and their quarters.

Cap. 7. To preserve and encourage the woollen and silk manufactures of this kingdom; and for more effectual employing the poor, by prohibiting the use and wear of all printed, painted, stained or died calicoes, in apparel, householdstuff, furniture or otherwise, after the twenty fifth day of *December 1722*. (except as therein is excepted.)

Cap. 8. For enlarging the time for making

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- making the river *Kennet* navigable from *Reading* to *Newbury* in the county of *Berks*.
- Cap. 9. For the better preservation of the harbour of *Rye* in the county of *Suffex*.
- Cap. 10. For making the river *Weaver* navigable from *Frodsham-Bridge* to *Winsford-Bridge* in the county of *Chester*.
- Cap. 11. For finishing and adorning the new chapel, called *Saint George's* chapel, in *Great Yarmouth* in the county of *Norfolk*, and for enlightening the streets of the said town, by a duty or imposition on coals, culm and cinders, to be landed and consumed there.
- Cap. 12. For employing the manufacturers, and encouraging the consumption of raw silk and mohair yarn, by prohibiting the wearing of buttons and button-holes made of cloth, serge, or other stuffs.
- Cap. 13. For regulating the journey-men taylors within the weekly bills of mortality.
- Cap. 14. For continuing the duties granted by several acts made in the sixth and tenth years of her late Majesty's reign for repairing the harbour and key of *Watchett*, in the county of *Somerset*.
- Cap. 15. For making the rivers *Mercy* and *Irwell* navigable from *Liverpools* to *Manchester*, in the county palatine of *Lancaster*.
- Cap. 16. For the better preserving and keeping in repair the piers of the town and port of *Whitby* in the county of *York*, and for explaining and making more effectual the several acts passed for lengthening and repairing the piers of *Bridlington*, alias *Burlington*, in the said county.
- Cap. 17. For making navigable the river *Dane*, from *Northwich*, where it joins the river *Weaver*, to the falling in of *Wheelock-Brook*; and *Wheelock-Brook* up to *Wheelock-Bridge* in the county of *Chester*.
- Cap. 18. For enlarging the term granted by an act passed in the tenth year of the reign of her late majesty *Queen Anne*, intituled, *An act for repairing the road from Highgate Gate-house in the county of Middlesex, to Barnet Blockhouse in the county of Hertford*; and for repairing the road leading from the *Bear-Inn* in *Hadley* to the sign of the *Angel* in *Enfield chase* in the said county of *Middlesex*.
- Cap. 19. For continuing an act made in the sixth year of the reign of her late majesty *Queen Anne*, intituled, *An act for repairing and enlarging the highways between the top of Kingdown-Hill and the city of Bath; and also several highways leading to and through the said city; and for cleansing, paving and lightning the streets, and regulating the chairmen there; and for explaining and making the said act more effectual*.
- Cap. 20. For continuing the duties on malt, mum, cyder and perry, to raise money by way of a lottery, for the service of the year 1721, and for transferring the deficiency of a late malt-act to the land-tax for the said year; and for disposing certain overplus money to proper objects of charity; and for giving further time to clerks and apprentices to pay duties omitted to be paid for their indentures and contracts; and touching small quantities of cyder exported; and for relief of captain *John Perry*, concerning *Dagenham Breach*; and touching lost bills, tickets or orders; and concerning the duty of small pieces of plate; and to enable the undertakers for raising *Thames* water in *York-Buildings*, to sell annuities by way of a lottery; and for satisfying a debt, which was charged on the late duty on hops; and for appropriating

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- prising the monies granted in this session of parliament.
- Cap. 21. For the further preventing his Majesty's subjects from trading to the *East-Indies* under foreign commissions; and for encouraging and further securing the lawful trade thereto; and for further regulating the pilots of *Dover*, *Deal* and the isle of *Thanet*.
- Cap. 22. For enabling *Charles* earl of *Arran* to purchase the forfeited estate of *James Butler*, late duke of *Ormonde*; and for granting relief to *William* late lord *Widdrington*; and for enlarging the time for determining claims upon the forfeited estates; and for enabling the commissioners for the said forfeited estates to certify into the exchequer, all such estates as they have found to be given to popish or superstitious uses.
- Cap. 23. For repairing the several roads leading from the town of *Ledbury* in the county of *Hereford*, to the several places therein mentioned.
- Cap. 24. For repairing the road from *Wendover* to the town of *Buckingham* in the county of *Bucks*.
- Cap. 25. For laying a duty of two pennies *Scots*, or one sixth part of a penny *sterling*, upon every *Scots* pint of ale or beer that shall be brewed for sale, vended or tapped within the town of *Fedburgh*, and privileges thereof, for paying the public debts of the said town, and for supplying the same with fresh water, and for other purposes therein mentioned.
- Cap. 26. For repairing the road from *Saint Giles's Pound* to *Kilbourne-Bridge*, in the county of *Middlesex*.
- Cap. 27. For raising a sum not exceeding five hundred thousand pounds, by charging annuities at the rate of five pounds *per centum per annum* upon the civil list revenues, till redeemed by the crown; and for enabling his Majesty, his heirs or successors, (by causing such a deduction to be made as therein is mentioned) to make good to the civil list the payments which shall have been made upon the said annuities; and for borrowing money upon certain lottery-tickets; and for discharging the corporations for assurances of part of the money which they were obliged to pay to his Majesty; and for making good a deficiency to the *East-India* company.
- Cap. 28. For raising money upon the estates of the late sub-governor, deputy-governor, directors, cashier, deputy-cashier and accountant of the *South-Sea* company, and of *John Aislabe* esq; and likewise of *James Craggs* senior esq; deceased, towards making good the great loss and damage sustained by the said company; and for disabling such of the said persons as are living, to hold any office or place of trust under the crown, or to sit or vote in parliament for the future; and for other purposes in the said act expressed.
- Cap. 29. For the King's most gracious, general and free pardon.
- Cap. 30. For appointing commissioners to examine, state, and determine the debts due to the army.
- Cap. 31. For explaining and making more effectual the several acts concerning bankrupts.
- Cap. 32. To explain and amend the act of the twelfth year of her late Majesty's reign, intituled, *An act for repairing the highway or road from the stones-end in the parish of St. Leonard Shoreditch in the county of Middlesex, to the furthest part of the northern road in the parish of Enfield in the same county, next to the parish of Cheshunt in the county of Hertford.*
- Private Acts.*
Anno 7 Georgii I.
1. An act for naturalizing *John Robethon*, and *George Robethon* his son.
 2. An

A TABLE of the STATUTES.

2. An act to naturalize *Joachim Peterffen*, *Henry Mui'man*, *Benedict Coep*, and *John Henry Ott*.
3. An act to enclose the common field of *Lighthorne*, and a common called *Lighthorne-Heath*, in the county of *Warwick*.
4. An act for draining, improving, and inclosing the common called *Stakesby-Common* in the parish of *Stakesby* in the county of *Norfolk*.
5. An act to enable the right honourable *Heneage* earl of *Aylesford*, to sell certain estates of leasehold and inheritance in the county of *Kent*, comprized in his marriage-settlement; and to purchase another estate in the county of *Leicester* of better value, to be settled to the same uses.
6. An act for the naturalization of *Isabella* countess of *Denbigh*, wife of *William* earl of *Denbigh*.
7. An act for naturalizing *John Hartcup*.
8. An act for naturalizing *Gilbert de Flines*, *Christian Friederick Zinke*, and others.
9. An act to enable the right honourable *Thomas* lord *Parker*, Baron of *Macclesfield*, lord high chancellor of *Great Britain*, *John Sutton* clerk, *Edward Ayres* and *Sarah* his wife, and *Matthew Hawes* and *Sarah* his wife, for and on the behalf of themselves, and of their infant children, to make several exchanges of lands and tenements, and to perform several agreements touching the same.
10. An act to vest the fee and inheritance of divers messuages, lands, and hereditaments of *William* late marquis of *Hallifax* in trustees, to be sold together with a term of five hundred years by him devised to his executors in trust, for the better performance of his will.
11. An act for settling the estates of *Richard* late earl *Rivers* deceased, pursuant to an agreement made between *Frederick* earl of *Rochford* and *Bessy* countess of *Rochford* his wife, *James Barry* earl of *Barrymore* in the kingdom of *Ireland*, and lady *Penelope Barry* his daughter, and *John* now earl *Rivers*, subject to the payment of the debts and legacies of the said late earl *Rivers*, remaining unpaid; and for other purposes in the said act mentioned.
12. An act for sale of part of the estate of the right honourable *Robert* lord *Romney* in the county of *Norfolk*, and for settling other lands, of greater value in the county of *Kent*, already purchased, to the same uses.
13. An act to enable any corporations within the university of *Oxford*, or any other persons, to sell and convey any messuages and ground within the said university, for building a library, pursuant to the will of *John Radcliffe*, doctor in physick; and for empowering any colleges in the said university, to sell or convey any ground or houses to each other, for the purposes therein mentioned.
14. An act to vest the estate of fir *Charles Carteret*, bart. deceased, in trustees, for payment of his debts, and for settling the remainder to the same uses in his will.
15. An act to enable his Majesty to grant the inheritance of certain estates therein mentioned, held by lease from the crown, which have been long in the family of fir *William Pulteney* deceased, in which more than one hundred years are yet to come, to trustees, upon a full consideration to be paid for the same, as shall be valued by proper officers of the crown, to the end the same, may be settled according to the uses directed in the will of the said fir *William Pulteney*.
16. An act for vesting in trustees a moiety of divers manors and lands in *Essex*, belonging to *Thomas Paget* esq; and *Mary* his wife, to enable them

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- them to convey the same according to articles for sale thereof.
17. An act to enable *Herbert Perrot Packington* esq; only son of sir *John Packington* baronet, to acknowledge fines, and suffer recoveries, while he is under the age of one and twenty years.
 18. An act for vesting certain lands and tenements in the county of *Gloucester*, the estate of *Henry Harrington* gent. in trustees, to be sold, and with the money arising thereby to purchase other lands of greater yearly value, to be settled to the same uses as the estate to be sold is settled, and for other purposes therein mentioned.
 19. An act to enable *Harry Bridges* esq; to sell the manors of *Ilebrewers* in the county of *Somerset*, for payment of his daughter's portion, and legacies charged thereupon.
 20. An act for discharging certain estates in the counties of *Norfolk* and *Suffolk*, of and from the uses and limitations contained in the marriage-settlement of *Thomas de Grey* esq; and for settling other estates in the said counties to the same uses.
 21. An act to enable *James Clavering* junior, esq; to make sale of his estate at *Tanfield* in the county of *Durham*, freed from the uses and trusts in the said *James Clavering's*, marriage-settlement, and to settle his estate at *Hall-Hill* in the said county, to the same uses.
 22. An act for vesting the manors of *Burnells*, alias *Rifson*, and certain lands in *Norfolk*, part of the estate of *Jonas Rolfe*, gent. and *Lucy* his wife, in trustees, to be sold for discharging the incumbrances thereon, and for other purposes therein mentioned.
 23. An act to enable *Robert Paynter* esq; to sell the manors of *Twydal* and *East-Court* in the county of *Kent*; and to settle other lands of greater value to the same or the like uses.
 24. An act for sale of the estate of *John*, late earl of *Kildare* deceased, in the county of *Limerick* within the kingdom of *Ireland*, for payment of the charges and incumbrances thereon, and for other purposes therein mentioned.
 25. An act for discharging part of the estate of *Richard Cambridge* esq; in the county of *Gloucester*, from the uses and limitations contained in his marriage-settlement; and for settling another estate in the same county of better value, to the same uses.
 26. An act for inclosing the heath or common called *Broad-Heath*, in the parishes of *Ellen-Hall*, *Seighford* and *Ronton*, in the county of *Stafford*.
 27. An act for naturalizing *James Masse* and *Jacob Stolk*.
 28. An act for naturalizing *John de Neufville*.
 29. An act for confirming the manor of *Latham*, and divers lands in the county of *Lancaster*, to *Richard Waring*, *Bryan Fairfax* and *Thomas Ashurst* esqs; and their heirs, subject to the trusts to which the same are now liable, and discharged of a certain clause in letters patents of King *Charles* the first, for reconveying the reversion in fee to the crown.
 30. An act for vesting part of the estate late of *Anthony Lechmere* esq; deceased, in trustees, to be sold for payment of his debts.
 31. An act for sale of the estate of the manor of *Radwell*, and other the estate of *Robert Bell* esq; and *Richard Bell* his son, in *Radwel* and *Norton* in the county of *Hertford*; and for purchasing other lands to be settled to the same uses.
 32. An act for sale of the estate late of *Richard Gwyn* gent. in the county of *Brecon*, for payment of debts, and for the settling an estate in the county of *Carmarthen*, to certain purposes therein mentioned.
 33. An act for sale of part of the estate

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state of *Edward Nedham*, gent. in the county of *Leicester*, for payment of debts charged thereupon; and for other purposes therein mentioned.

34. An act for naturalizing *John Frederick Fales*.

Anno 7 Georgii I. Sess. 2.

For making several provisions to restore the publick credit, which suffers by the frauds and mismanagements of the late directors of the *South-Sea* company, and others.

Private Act.

An act for naturalizing *James Lofan*.

Anno 8 Georgii I.

Cap. 1. For granting an aid to his Majesty by a land-tax to be raised in *Great Britain*, for the service of the year 1722.

Cap. 2. For continuing the duties on malt, mum, cyder and perry, to raise money by way of a lottery, for the service of the year 1722, and for transferring the deficiencies of a late malt-act to the land-tax for the said year, and for giving time for inserting the money given with apprentices in their indentures, and touching lost bills, tickets or orders; and for exchanging the tickets in the exchequer for certificates; and for suppressing lotteries, denominated sales, and other private lotteries; and for enlarging the time for the accountant general of the bank of *England*, to return duplicates of annuities into the exchequer.

Cap. 3. For punishing mutiny and desertion, and for the better payment of the army and their quarters.

Cap. 4. For taking off the duty upon all salt used in the curing of red herrings and laying a proportionable duty upon all red herrings consumed at home only; and for ascertaining the customs and excise payable for the sugar-houses

in *Scotland*; and for making an allowance for salt lost in any harbour or river of this realm; and for the better securing the duties on salt delivered in *Scotland*.

Cap. 5. To explain and amend the act passed in the third year of his present Majesty's reign, for repairing the highway from several places therein mentioned, leading towards *Highgate Gate-House* and *Hampstead*, in the county of *Middlesex*.

Cap. 6. For granting the people called *Quakers*, such forms of affirmation or declaration, as may remove the difficulties which many of them lie under.

Cap. 7. For laying a duty of two pennes *Scots*, or one sixth part of a penny sterling, upon every *Scots* pint of ale or beer that shall be brewed for sale, vended, or tapped within the town of *Elgins*, and privileges thereof, for paying the publick debts of the said town, and for other the purposes therein mentioned.

Cap. 8. To enable his Majesty effectually to prohibit commerce (for the space of one year) with any country that is or shall be infected with the plague; and for shortning the continuance of an act passed in the seventh year of his Majesty's reign, intituled, *An act for repealing an act made in the ninth year of her late majesty Queen Anne*, intituled, *An act to oblige ships coming from places infected, more effectually to perform their quarentine; and for the better preventing the plague being brought from foreign parts into Great Britain or Ireland, or isles of Guernsey, Jersey, Alderney, Sark or Man; and to hinder the spreading of infection.*

Cap. 9. For continuing an act passed in the tenth year of the reign of her late Majesty, intituled, *An act for repairing the highway between a certain place called Kilburna-Bridge, in the*

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- the county of Middlesex, and Sparrows-Herne in the county of Hertford; and for making the said act more effectual.*
- Cap. 10. For repealing such clauses in the act passed in the seventh year of his Majesty's reign (relating to quarantine and the plague) as give power to remove persons from their habitations, or to make lines about places infected.
- Cap. 11. For restoring and rebuilding the haven and piers of *Bridport*, in the county of *Dorset*; and for making a sluice there.
- Cap. 12. Giving further encouragement for the importation of naval stores; and for other purposes therein mentioned.
- Cap. 13. For the amending the highways leading from *Brampton-Bridge*, near *Church-Brampton*, in the county of *Northampton*, through the parish of *Tarnby*, to a bridge called *Welford-Bridge*, in the parish of *Welford* in the said county; and also the great post-road from a place called *Marter-Pit-Hill*, in the parish of *Pisford* in the said county, through the towns and parishes of *Brixworth*, *Lampert*, *Maidwell*, *Kelmarsh*, and *Oxenden Magna*, to a bridge called *Chain-Bridge*, leading into *Market-Harborough* in the county of *Leicester*.
- Cap. 14. For making the river *Eden* navigable to *Bank-End* in the county of *Cumberland*.
- Cap. 15. For encouragement of the silk manufactures of this kingdom; and for taking off several duties on merchandizes exported; and for reducing the duties upon beaver skins, pepper, mace, cloves, and nutmegs imported; and for the importation of all furs of the product of the *British* plantations, into this kingdom only; and that the two corporations of assurance, on any suits brought on their policies, shall be liable only to single damages and costs of suit.
- Cap. 16. For taking off the duty upon all salt used in the curing and making of white herrings, and instead thereof laying a proportionable duty upon all white herrings consumed at home only; and for making an allowance for tobacco exported from *Scotland*, in the time therein mentioned; and for giving farther relief to the refiners of rock-salt.
- Cap. 17. For more equal paying and better collecting certain small sums therein mentioned, for relief of shipwrecked mariners, and distressed persons (his Majesty's subjects) in the kingdom of *Portugal*; and for other pious and charitable purposes usually contributed to by the merchants trading to *Portugal*.
- Cap. 18. To prevent the clandestine running of goods, and the danger of infection thereby; and to prevent ships breaking their quarantine; and to subject copper ore, of the production of the *British* plantations, to such regulations, as other enumerated commodities of the like production are subject.
- Cap. 19. For the better recovery of the penalties inflicted upon persons who destroy the game.
- Cap. 20. For paying off and cancelling one million of exchequer-bills, and to give ease to the *South-Sea* company, in respect of its present obligation to circulate or contribute towards circulating exchequer-bills; and to give further time to that company for repayment of one million, which was lent to them; and for issuing a further sum in new exchequer-bills, towards his Majesty's supply, to be discharged and cancelled, when the said company shall repay the million, owing by them; and that the exchequer-bills, which are to continue, may be circulated at easy and moderate rates,
- and

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- and for appropriating the supplies granted to his Majesty in this session of parliament; and for relief of the sufferers at *Nevis* and *Saint Christophers*, by an invasion of the *French* in the late war, and for laying a further duty on apples imported; and for ascertaining the duties on pictures imported.
- Cap. 21. To enable the *South-Sea* company to dispose of the effects in their hands by way of lottery or subscription, or to sell part of their fund or annuity payable at the exchequer, in order to pay the debts of the said company; and for relief of such, who were intended to have the benefit of a late act touching payment of ten *per centum* therein mentioned.
- Cap. 22. To prevent the mischiefs by forging powers to transfer such stocks, or to receive such annuities or dividends as are therein mentioned, or by fraudulently personating the true owners thereof; and to rectify the mistakes of the late managers for taking subscriptions for increasing the capital stock of the *South-Sea* company, and in the instruments founded thereupon.
- Cap. 23. For prolonging the times for hearing and determining claims before the trustees, in whom the estates of the late *South-Sea* directors, and of *John Aislaby* esq; and likewise of *James Craggs* esq; deceased, are veited; and for other purposes therein mentioned.
- Cap. 24. For the more effectual suppressing of piracy.
- Cap. 25. For supplying some defects in the statute of the twenty third of King *Henry* the eighth, intituled, *An act for obligations to be taken by two chief justices, the mayor of the staple, and the recorder of London*; and for setting down the time of signing judgments in the principality of *Wales*, and counties palatine.
- Cap. 26. For better supplying the city and liberties of *Westminster*, and parts adjacent, with water.
- Cap. 27. For the better preventing abuses committed in weighing and packing of butter in the city of *York*.
- Cap. 28. For supplying the records of the commissary court of *Aberdeen*, burnt or lost in the late fire there.
- Cap. 29. For preventing delays in the execution of the trust reposed in the governors of the hospital of King *James*, founded in the *Charter-House*, at the charges of *Thomas Sutton* esq; for the benefit of the said hospital.
- Cap. 30. For repairing the highways from the stones-end at *Whitechapel* church, in the county of *Middlesex*, to *Shenfield*, and to the furthestmost part of the parish of *Woodford*, leading to the town of *Epping* in the county of *Essex*.
- Cap. 31. To vest the ground, wharf and key, called *Wool-Key*, in the parish of *All Saints Barking*, in the city of *London*, with the buildings and warehouses thereupon, in trustees for his Majesty, his heirs and successors for ever, subject to an agreement made on his Majesty's behalf, with the wardens and assistants of the free-school in *Sevenoake*, in the county of *Kent*.

Private Acts.

Anno 8 Georgii I.

1. An act for naturalizing *Detlef Von de Thienen*, and *Melusine* baroness of *Schoulenburgh*.
2. An act for naturalizing *Jeanne Coltee du Carel*, and others.
3. An act for naturalizing *Auguste Tebuteau*, *Joseph Murat*, and others.
4. An act to vest two fourth parts of a fee-farm rent of eighty two pounds eight shillings and two pence, issuing out of the manor of *Kingwood* in the county of *Wilts* (of which two fourth parts the lord viscount *Harcourt* is seised in fee) in trustees,

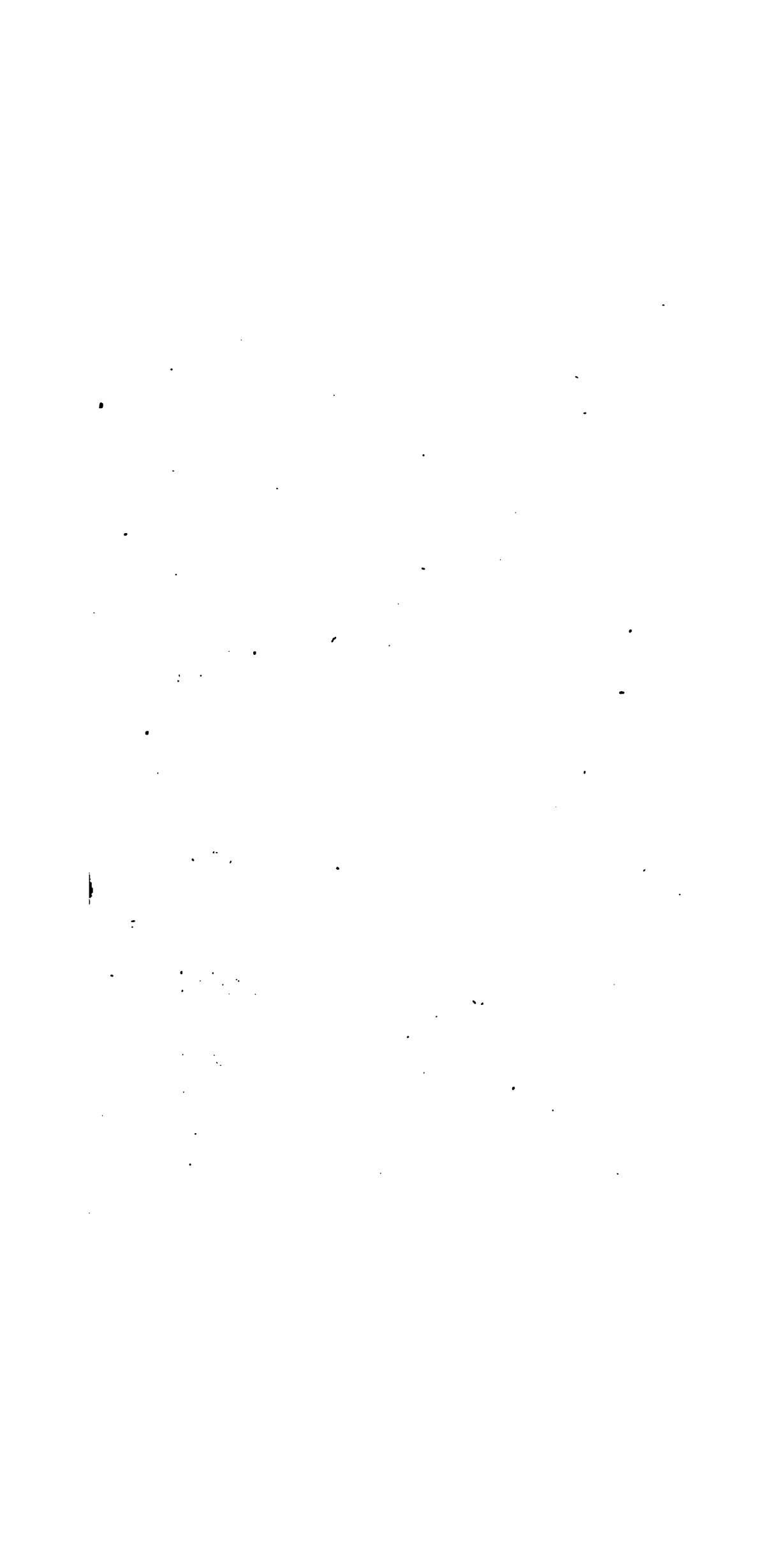
to

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- to the like uses as a messuage and lands called *Johnson's Farm*, in the parishes of *Stanton Harcourt* and *Southley*, or one of them, in the county of *Oxen*, were devised by dame *Elizabeth Harcourt*, widow, deceased, and in lieu thereof for vesting the said premises, called *Johnson's Farm*, in the said lord viscount *Harcourt* and his heirs.
5. An act to enable the mayor, burgesses, and commonalty of the city of *Bristol*, to build an exchange there for the conveniency of the merchants and traders of that city.
 6. An act for sale of part of sir *John Wentworth's* estate, towards raising part of the sum of ten thousand pounds for the purposes therein mentioned.
 7. An act for vesting part of the estate of sir *Ralph Milbanke*, bart. in trustees, to be sold for performing his father's will, and an agreement made with his brother and sisters.
 8. An act for uniting and consolidating the parish-churches of *Stypud*, alias *Steeple*, and *Tyneham* within the isle of *Purbeck*, in the county of *Dorset*.
 9. An act to enable *Elizabeth* and *Margaret Newton*, infants, during their minority (with consent of trustees) to grant and fill up leases of part of the estate late of *John Newton* esq; their father, deceased.
 10. An act for vesting the estate late of *James Price* of *Pilleth*, in the county of *Radnor*, esq; deceased in trustees, to be sold for payment of several portions, and legacies charged thereon.
 11. An act to empower the commissioners and trustees for the forfeited estates, to give such relief to *Hugh Wallace* of *Inglestoun*, esq; and *Hugh Wallace* his son, in relation to their part in an heritable bond and
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 - enfeoffment upon the estate of *James* late earl of *Linlithgow*, attainted of high treason, as they have given to other claimants upon the said bond.
 12. An act for naturalizing *Samuel Palmer*.
 13. An act for naturalizing *Lucas Steinman*, *Paul Kruger*, and *Henry Boon*.
 14. An act for naturalizing *Christopher Schele*.
 15. An act to explain and amend an act made in the second year of the reign of her late majesty *Queen Anne*, intituled, *An act for sale of part of the estate of Henry lord viscount Dillon*, in the kingdom of *Ireland*, and for settling an equivalent in other part of his estate on the viscountess his wife, for her jointure; and to make a provision for *Bridget viscountess Dillon*, wife of *Richard*, now lord viscount *Dillon*.
 16. An act for inclosing *Glastonbury commons*, in the county of *Somerset*.
 17. An act for vesting in trustees the reversion, freehold and inheritance of part of the estate late of sir *William Davie* bart. deceased, (expectant on a term of five hundred years) to be sold for payment of his daughters portions, and legacies.
 18. An act to enable his Majesty to make such provisions, as is therein mentioned, for the children of *James Macdonald* deceased, out of the estate of the late sir *Donald Macdonald*, their uncle, which was forfeited to his Majesty for high treason.
 19. An act for naturalizing *Agatha Drummond*.
 20. An act for naturalizing *James Girardot*, and *Paul Amfink*.
 21. An act to naturalize *John Blydesteyn*.

b

The END of the TABLE.



T H E
STATUTES at Large, &c.

*Inno Regni GEORGII I. Regis Magnæ
 Britannia, Franciæ & Hiberniæ, quinto.*

AT the parliament begun and bolden at Westminster the seventeenth day of March, Anno Domini one thousand seven hundred and fourteen, the first year of the reign of our sovereign Lord George, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. and from thence continued by several prorogations the eleventh day of November, one thousand seven hundred and eighteen, being the fourth session of this present parliament.

C A P. I.

in aēt for granting to his Majesty an aid by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and nineteen.

XXIII. **A**ND whereas the sum of one hundred thirty nine thousand nine hundred fifty eight pounds six shillings and two pence, was paid by the treasurer of his Majesty's navy to the South Sea company, out of money provided for the service of his Majesty's navy for the year one thousand seven hundred and eighteen, pursuant to aēt of parliament in that behalf, for completing the mds of six hundred and eight thousand pounds per annum, payable to the said company, or the arrearages thereof, until the twenty-fourth day of June one thousand seven hundred and eighteen inclusive: and whereas a sum not exceeding twenty nine thousand six hundred forty five pounds eight shillings and nine pence farthing, by an aēt the fourth year of his Majesty's reign, was appropriated for or towards enabling the treasurer of the navy to make good the payments, which in the half year ending on the twenty fourth day of June one thousand seven hundred and eighteen might be demanded of him, pursuant to any former aēt or aēts of parliament for completing the said mds of six hundred eight thousand pounds per annum, payable to the said company; and the said sum of twenty nine thousand six hundred forty five pounds eight shillings and nine pence farthing, hath

How the deficiency of 110,312 l. 17 s. 4 d. 3 q. for the year 1715, to the treasurer of the navy shall be made good.

4 Geo. 1. c. 3.

been

been issued to the said treasurer, and paid or directed to be paid accordingly, so that so much of the said deficiency as still remains to be made good to the treasurer of his Majesty's navy, doth amount to one hundred ten thousand three hundred and twelve pounds seventeen shillings and four pence three farthings: and whereas some doubts have been made in the construction of certain clauses in an act of parliament of the third year of his Majesty's reign, made for the redeeming the then yearly fund of the said company; by which clauses it was enacted, That in default of supplying such deficiency in the manner thereby prescribed, the same should be made good out of the general yearly fund of seven hundred twenty four thousand eight hundred forty nine pounds six shillings and ten pence one fifth part of a penny, by another act of the third year of his Majesty's reign, established or intended to be established, as by the said several acts (relation being thereunto respectively had) may more fully appear: now for obviating all doubts concerning the refunding of the said sum of one hundred ten thousand three hundred and twelve pounds seventeen shillings and four pence three farthings, to the treasurer of his Majesty's navy, it is hereby declared and enacted by the authority aforesaid, That the said deficiency amounting to one hundred ten thousand three hundred and twelve pounds, seventeen shillings, and four pence three farthings, shall and may be supplied and made good to the treasurer of his Majesty's navy, upon account, for the service of the navy and victualling thereof, by or out of the general yearly fund of seven hundred twenty four thousand eight hundred forty nine pounds, six shillings and ten pence, one fifth part of a penny before-mentioned, or out of money to be raised at the exchequer for purchasing an annuity or annuities, after a rate not exceeding five pounds *per centum per annum*, for the said sum of one hundred ten thousand three hundred and twelve pounds, seventeen shillings, and four pence three farthings, and that such annuity or annuities shall be charged on the said general yearly fund, and be payable and transferrable at the bank of *England*, as other annuities payable out of the said general yearly fund are intended by any former act or acts of parliament now in force to be payable and transferrable, until the redemption thereof by parliament: and the commissioners of his Majesty's treasury, or any three or more of them, and the high treasurer for the time being, are hereby directed and authorized to issue his or their warrants or orders, and to do all other acts and things requisite or necessary to be done or performed, for making good the said deficiency, and for registering and payment of such annuity or annuities in respect thereof, to the said treasurer of his Majesty's navy, or the treasurer thereof for the time being, accordingly; any former law, statute, provision, or other matter and thing whatsoever to the contrary notwithstanding.

CAP. II.

An act for continuing the duties on malt, mum, cyder and perry, for the service of the year one thousand seven hundred and nineteen; and for enlarging the time for entering at the Exchequer such assignments of reversionary annuities as are therein mentioned; and for better securing the duties on hides and skins, vellum and parchment.

VIII. **A**ND whereas by an act of parliament made and passed in ^{4 & 5 W. & M.} the fourth year of the reign of King William and Queen ^{c. 3.} Mary, of glorious memory, for granting certain rates and duties of excise, for securing certain recompences and advantages to such as should advance the sum of one million towards carrying on the then war against France: it was enacted, That it should and might be lawful for any contributor, his executors, administrators or assigns, by any writing under hand and seal, or by his last will in writing, to assign or devise any one or more share or shares of the fund therein mentioned to any person or persons, and no such assignment to be revocable, so as an entry or memorandum thereof were made in the office of the auditor of the receipt, within the space of two months after such assignment or death of the devisor; and upon producing such assignment or will, the party was and is to bring an affidavit of the execution thereof to be filed, as is therein specified: and whereas in pursuance of an ^{9 & 10 W. 3.} act of parliament made in the ninth year of his said late Majesty's ^{c. 24.} reign for enlarging the time for purchasing certain estates or interests in the annuities therein mentioned, several reversionary tallies were struck, and orders thereupon drawn, for payment of reversionary annuities, in the name of Richard then earl of Ranelagh of the kingdom of Ireland, and by him issued out to such uses as in and by the said act were directed; but some doubt arising whether the assignments made by the said earl on the back of the said orders were according to the form prescribed by the said former act, it was by another act of ^{11 & 12 W. 3.} the sixteenth year of his said late Majesty's reign enacted, That all ^{c. 3. sect. 12.} and every the said endorsed assignments then made, or thereafter to be made by the said late earl, or other person or persons authorized to make the same, for conveying the said tallies and orders to such persons, and to such uses, as in the said recited act are specified, and all other assignments, whether endorsed or otherwise, made by virtue of and subsequent to such endorsed assignments, should be good in law, so as an entry or memorandum of such subsequent assignments be made in the said office of the receipt, before the twenty ninth day of September one thousand seven hundred, as by the said several acts (relation being thereunto respectively had) may more fully appear: and whereas several of the said tallies which were struck, and the orders thereupon drawn, for payment of such reversionary annuities, as aforesaid, in the name of the said late earl, and which were assigned by him, as aforesaid, have been assigned over by several subsequent assignments, by indorsing the name of the assignor on the order, or otherwise, and it is doubted whether such subsequent assignments made on the back of the same orders (not being entered within the

time limited by the said former act) be good and valid in the law: now to the end that all persons who now are, or at any time hereafter shall or may be possessed of or interested in any of the said tallies and orders, may have and be invested in a good and lawful title to the same; it is hereby enacted by the authority aforesaid, That all and every the said endorsed assignments, made or to be made in pursuance of and subsequent to any the said assignments of the said late earl (whether such subsequent assignment be or shall be made by writing the name or names of the respective assignor or assignors on the backside of the said orders, or otherwise) shall be as good and effectual in the law, as if each and every such subsequent assignment had been executed in every particular in the manner prescribed by the act first above-mentioned, relating to the said tallies and orders; and that an entry or memorandum of every such subsequent assignment (touching which no entry or memorandum hath already been made pursuant to the said former act) shall and may be made in the said office of the receipt, so as an affidavit be produced to the auditor of the receipt of his Majesty's exchequer, that the name or names of the respective assignor or assignors set to every such subsequent assignment so to be entred, is the proper hand-writing of every such assignor respectively, as the person making such affidavit or affidavits verily believes, and so as every such subsequent assignment (by indorsing the name, or otherwise) made before the fifth day of *December* one thousand seven hundred and eighteen, be brought to be entred at the said office within two months after the said fifth day of *December* one thousand seven hundred and eighteen, and so as every such subsequent assignment to be made after the said fifth day of *December* one thousand seven hundred and eighteen, be brought to be entred in the said office within two months after making the same respectively; any thing in the said former acts, or any of them, contained to the contrary notwithstanding.

Commissioners
for the duty
on leather
may order
new stamps
as occasion
shall require.
9 Ann. c. 11.
10 Ann. c. 19.

IX. And for preventing the counterfeiting of any stamp or stamps, seal or seals which have been or shall be appointed to be used, to denote the charging of the duties, or of the additional duties, which by several acts, the one made in the ninth, and the other in the tenth years of the reign of her late majesty *Queen Anne*, are set and imposed upon hides and skins, and pieces of hides and skins and upon vellom and parchment, tanned, tawed, dressed or made: be it enacted by the authority aforesaid, That the commissioners which for the time being are or shall be appointed for the receipt, government and management of the said duties, or additional duties, arising in *England* or *Wales*, or town of *Berwick upon Tweed*, or the major part of them, and also the commissioners which for the time being are or shall be appointed for the receipt, government and management of the said duties, or additional duties, arising in that part of *Great Britain* called *Scotland*, shall respectively have full power and authority, and hereby are respectively impowered and authorized, from time to time, when and so often as they re-

spectively

respectively shall see occasion, to direct, cause and procure new stamps or seals to be made for the marking and stamping of all such hides and skins, and of pieces of hides and skins, and of vellom and parchment, as shall respectively be tanned, tawed, dressed or made, either in *England* or *Wales*, or town of *Berwick* upon *Tweed*, or in that part of *Great Britain* called *Scotland*, and to be made use of for the respective purposes before mentioned, in the lieu and stead of such other stamps, marks or seals, as before the respective time and times of providing and appointing such new ones, shall respectively have been used for the purposes before mentioned; and that such new stamps and seals so to be provided, as aforesaid, from the respective time and times when they respectively shall be so, as aforesaid, ordered to be used for the respective purposes aforesaid, shall respectively be and are hereby declared to be the legal and authentick stamps and seals respectively, to be made use of for the respective purposes before mentioned; and that the counterfeiting or forging any stamp or seal, to resemble any stamp or seal, which in pursuance of this act shall be so, as aforesaid, directed or ordered, or the counterfeiting or resembling of the impression of any such stamp or stamps, seal or seals so directed or ordered, as aforesaid, on any hide or skin, or piece of any hide or skin, or on any vellom or parchment, whereby to defraud his said Majesty, his heirs or successors, of any of the duties imposed or charged by the said acts, or either of them, or the uttering, vending or selling any hide or skin or any piece of any hide or skin, or any vellom or parchment, with such counterfeit mark or impression thereupon, knowing such mark or impression to be counterfeit, shall render and make the offender and offenders therein subject and liable to the like penalties, forfeitures and pains of death, as is and are mentioned and expressed in the said act made in the said ninth year of the reign of her said late majesty Queen 9 Ann. c. 11.

Penalty for counterfeiting the new stamps.

Ann.

X. And for the better ascertaining the said duties, and for preventing the carrying on of frauds between the officers for the said duties and the traders and dealers in the manufactures and goods charged with the said duties; and to the intent that hides and skins and pieces of hides and skins, and vellom and parchment, after they have been weighed, and taken an account of by the officers for the said duties, may again be weighed and taken account of by the supervisors and surveyors for the said duties: be it enacted by the authority aforesaid, That from and after the tenth day of *January* one thousand seven hundred and eighteen, all tanners, tawers and dressers of hides and pieces of hides and skins, and all makers of vellom and parchment, shall from time to time keep all such hides and skins and pieces of hides and skins, vellom and parchment, which have not been duly stamped by the officers for the said duties, separate and part from all other hides and skins and pieces of hides and skins, vellom and parchment, which have been duly stamped by the officers for the said duties; and shall also from time to time keep

After 10 Jan. 1718, tanners, &c. to keep their hides, &c. not stamped by the officers separate, to be weighed by the supervisors, &c.

all such hides and skins and pieces of hides and skins, and vellum and parchment, as from time to time shall have been last stamped by the officers for the said duties, separate and apart from all other hides and skins and pieces of hides and skins, vellum and parchment, which at any time or times before shall have been stamped by the officers for the said duties, during the respective times herein after-mentioned, (that is to say) within the limits of the weekly bills of mortality by the space of twenty four hours next after such stamping thereof by the said officers; and in other places out of the limits of the said weekly bills, by the space of two days next after such stamping thereof, unless the same shall respectively sooner have been weighed and taken account of by the respective surveyors or supervisors for the said duties, on pain to forfeit for every offence therein the sum of ten pounds.

Penalty 10l.

C A P. III.

An act for applying certain overplus monies, and further sums to be raised, as well by way of a lottery, as by loans, towards paying off and cancelling exchequer bills, and for lessening the present great charge in relation to those bills; and for circulating and exchanging for ready money the residue of the same bills for the future.

Recital of the
act of
3 Geo. 1. c. 8.
Farther provi-
sions concerning
the funds grant-
ed by this act
6 Geo. 1. c. 2.
40 & 10.
11 Geo. 1. c. 9.
23 Geo. 1. c. 3.

MAY it please your most excellent Majesty, Whereas by an act of parliament of the third year of your Majesty's reign, intituled, An act for redeeming several funds of the governor and company of the bank of England, pursuant to former provisos of redemption; and for securing to them several new funds and allowances redeemable by parliament; and for obliging them to advance further sums not exceeding two millions five hundred thousand pounds, at five pounds *per centum*, as shall be found necessary to be employed in lessening the national debts and incumbrances; and for continuing certain provisions formerly made for the expences of his Majesty's civil government; and for payment of annuities formerly purchased at the rate of five pounds *per centum*; and for other purposes in this act mentioned, the said governor and company of the bank of England, and their successors, for circulating certain bills, commonly called exchequer bills, therein mentioned, amounting to two millions five hundred sixty one thousand and twenty five pounds or thereabouts, in principal money, and for exchanging the same for ready money on demand, are entitled to an annuity or yearly sum of seventy six thousand eight hundred and thirty pounds fifteen shillings (being an allowance after the rate of three pounds *per centum per annum*, computed upon the said sum of two millions five hundred sixty one thousand and twenty five pounds) subject nevertheless to a proviso of redemption in that act contained, upon such notice as is thereby prescribed; which annuity or yearly allowance is by the same act charged upon and made payable out of the monies arisen or to arise at the receipt of the exchequer, of or for certain par-

1718.]

Anno quinto GEORGI I. C. 3.

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particular duties on houses, and of or for several other duties and revenues, called the aggregate fund in that act, and in former acts relating to the said fund more particularly mentioned and described in the order and course, and with such preference as is thereby directed; and by the act first above-mentioned it is enacted and declared, That as well the said particular duties on houses, and the duties, revenues and incomes composing the said aggregate fund, and all other duties which were settled for payment of a former yearly sum of one hundred and six thousand five hundred and one pounds thirteen shillings and five pence, and the interest and allowances relating to former exchequer bills therein mentioned, should be continued, but be disposable to and for the several and respective uses and purposes appointed by that act and subject to the several provisos of redemption therein contained; and that all the monies of the said duties, revenues and incomes, which should or ought to be brought into the receipt of the exchequer (except the necessary charges for raising, collecting, levying, issuing, paying and accounting for the same) should be and are thereby appropriated, and should be issued and applied to and for the payment and satisfaction of several yearly and other sums in the said act particularly expressed, in their due course and with such preferences as are thereby appointed; amongst which payments an express provision is made for payment of the said annuity or allowance of seventy six thousand eight hundred and thirty pounds fifteen shillings per annum, and for answering all demands of interest due and to be due upon the said exchequer bills as is therein mentioned. And by the same act it was declared and enacted, That the excess or surplus which, at the end of every or any quarter of a year (reckoning the quarters to end at the usual feast-days) should or might be produced by the said several rates, duties, revenues and incomes thereby appropriated, and should remain in the exchequer (over and above the money then due or demandable for or upon the several annuities, allowances and other payments therein before-mentioned, or any arrears of the same) should attend the disposition of parliament, and be applied according to act or acts of parliament in that behalf, and not otherwise. And it was thereby declared and enacted, That any vote or resolution of the house of commons, signified by the speaker of the said house in writing, and delivered at the publick office of the said governor and company, should be deemed and adjudged to be a sufficient notice within the words and meaning of the said act for redeeming the said annuity or allowance of seventy-six thousand eight hundred and thirty pounds fifteen shillings per annum, as by the same act, relation being thereunto had (amongst many other matters and things therein contained) may more fully appear. And whereas by Recital of another act of parliament of the said third year of your Majesty's the act of 3 Geo. 1. c. 9. reign, intituled, An act for redeeming the yearly fund of the South Sea company, being after the rate of six pounds per centum per annum, and settling on the said company a yearly fund after the rate of five pounds per centum per annum, redeemable by parliament; and to raise for an annuity or annuities at five pounds per centum per annum any sum not exceeding two millions, to be employed in lessening the national debts and incumbrances; and for making the said new yearly fund and annuities to be

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hereafter redeemable in the time and manner thereby prescribed, several other subsidies, impositions, duties, revenues and proportional parts of duties and revenues therein mentioned, or thereby referred unto, were continued for the several and respective uses and purposes in that act. And it was thereby enacted, That all the monies thereof which should or ought to be brought into the exchequer for those purposes (except the necessary charges of raising, collecting, levying, issuing and accounting for the same; and except such part thereof, as by any former act or acts of parliament was applicable to the repayment of loans then remaining unsatisfied, and to pay the interest of the same) should be and are thereby appropriated, and should be issued and applied to and for the payment of the yearly and other sums in the same act particularly expressed, in their due method and order, and subject to such redemption as are thereby prescribed. And by the same act it was provided and enacted, That if at any time at the end of any quarter of a year (reckoning the quarters to end at the usual feasts) there should be an excess or surplus of the monies brought into the exchequer of the said subsidies, impositions, duties, revenues and proportional parts, and such excess or surplus should remain there, over and above the money then or before that time grown due, by or in pursuance of that act, as is therein mentioned, then such excess or surplus should from time to time attend the disposition of parliament, and be applied according to act or acts of parliament, and not otherwise, as by the act last mentioned (relation being thereunto had) may also more fully appear. And whereas by another act of parliament of the said third year of your Majesty's reign, intituled, An act for redeeming the duties and revenues which were settled to pay off principal and interest on the orders made forth on four lottery acts passed in the ninth and tenth years of her late Majesty's reign, and for redeeming certain annuities payable on orders out of the hereditary excise, according to a former act in that behalf; and for establishing a general yearly fund, not only for the future payment of annuities at several rates, to be payable and transferable at the bank of England, and redeemable by parliament, but also to raise monies for such proprietors of the said orders as shall chuse to be paid their principal and arrears of interest in ready money; and for making good such other deficiencies and payments as in this act are mentioned; and for taking off the duties on linseed imported, and British linen exported, several other customs, subsidies, impositions, additional impositions, rates, duties, additional rates and duties, proportional parts of duties, revenues, and weekly and other payments out of duties and revenues therein specified, or thereby referred unto, were continued for the purposes in that act: and it was thereby enacted, That yearly and every year, reckoning the first year to begin from the feast of Saint Michael the archangel one thousand seven hundred and seventeen, and from thenceforth for ever (subject nevertheless to such provisos and power of redemption as are in that act contained) the full sum of seven hundred twenty four thousand eight hundred forty nine pounds six shillings ten pence and one fifth part of a penny per annum, by or out of the monies arising of or for the said customs, subsidies, impositions, rates, addi-

Recital of the
act for re-
deeming sever-
al lotteries,
&c.
3 Geo. 1. c. 7.

al duties, proportional parts, weekly and other payments by appropriated and directed to be brought, from time to time, exchequer, in case the same should extend to the said sum of undred twenty four thousand eight hundred forty nine pounds ngs ten pence and one fifth part of a penny, should be computed to be a general fund; and in case all the monies so into the exchequer of or for the said customs, subsidies, impositions, rates, duties, additional duties, proportional parts, weekly or payments, should not amount to seven hundred twenty four i eight hundred forty nine pounds six shillings ten pence and one rt of a penny per annum, then the monies so arising, so far ame would extend, should be part of the said general yearly seven hundred twenty four thousand eight hundred forty nine ix shillings ten pence and one fifth part of a penny per annum, towards the answering and paying all the annuities and pay- v that act charged or chargeable thereupon; and in case all the by that act appointed or appropriated, as aforesaid, should at r or times appear to be so deficient or low in the produce of the s that within any one year to be reckoned, as aforesaid, the ries so arising in the exchequer, of or for all the said customs, , impositions, rates, duties, additional duties, proportional weekly and other payments, should not amount to so much as undred twenty four thousand eight hundred forty nine pounds ngs ten pence and one fifth part of a penny, that then and so und in every such case, so much as should be wanting to make aid general fund or sum of seven hundred twenty four thou- bt hundred forty nine pounds six shillings ten pence and one rt of a penny, for every or any such year, should be supplied de good, from time to time, by or out of the first aid or supply to ted in parliament next after such deficiency should appear, and from time to time be transferred thereunto, as soon as the same e granted: and it was thereby enacted, That the excess or sur- which at the end of every or any quarter of a year (reckoning rters to end at the four most usual feast days) should or might used by the customs, subsidies, impositions, additional and other proportional parts of duties, and by the said weekly and other ts, by that act appropriated or charged to make good the said yearly fund of seven hundred twenty four thousand eight i forty nine pounds six shillings ten pence and one fifth part of , over and above so much as shall be sufficient to make good the and so much of the said general yearly fund as at the end of rter of a year shall remain in the receipt of the exchequer, d above all the monies then due or payable, to discharge the se- annuities and other payments by that act directed to be satisfied the same, and all arrears thereof (if any such were) should i from time to time attend the disposition of parliament and be according to act or acts of parliament, and not otherwise. the act last recited, it was further declared and enacted, That 3 Geo. 1. c. 7. monies to arise from time to time, as well of or for the excess thus by virtue of the said act made for redeeming the funds of erner and company of the bank of England, and of or for the

- the said excess or surplus by virtue of the said act made for redeeming the funds of the said governor and company of merchants of Great Britain trading to the South Seas and other parts of America, and for encouraging the fishery; as also of and for the said excess or surplus of the said duties and revenues by the said other act of the third year of your Majesty's reign, appropriated to make good the said general yearly fund as aforesaid, and the overplus monies of the same general yearly fund thereby established, or intended to be established as aforesaid, should be appropriated, reserved and employed to and for the discharging the principal and interest of such national debts and incumbrances as were contracted before the twenty fifth day of December one thousand seven hundred and sixteen, and were declared to be national debts, and were provided for by acts of parliament, in such manner and form, as should be directed or appointed by any future act or acts of parliament to be discharged therewith or out of the same, and to and for none other use, intent or purpose whatsoever, as by the act last before recited (relation being thereunto had) may likewise more fully appear. And whereas the said sum, not exceeding two millions
- § Geo. 1. c. 8. five hundred thousand pounds, in the said first recited act mentioned, or any part thereof, was not advanced by the said governor and company of the bank of England, or called for or required by the commissioners of your Majesty's treasury, so that the said duties, revenues and incomes, called the aggregate fund, are not charged or chargeable with any annuity or other payment whatsoever in respect of the same, by the said first recited act or otherwise howsoever; and the said sum, not exceeding two millions, mentioned in the said act relating to the
- § Geo. 1. c. 9. South Sea company, or any part thereof, was not advanced by that company, or called for or required by the commissioners of your Majesty's treasury, so that the said duties, revenues and incomes, comprehended in the fund of that company, are not charged or chargeable with any annuity or other payment whatsoever in respect of the same, by virtue of the said act relating to that company or otherwise howsoever. And whereas we your Majesty's said dutiful and loyal subjects the commons of Great Britain in parliament assembled (pursuant to the clauses contained in the act first above recited) did on the seventh day of March in the year of our Lord one thousand seven hundred and seventeen resolve, That notice should be given to the said governor and company of the bank of England, That the house of commons would at Lady-day one thousand seven hundred and nineteen redeem the said annuity of seventy six thousand eight hundred and thirty pounds fifteen shillings; and ordered the speaker of the said house, on or before Lady-day one thousand seven hundred and eighteen, to signify the said resolution in writing to the said governor and company, which was signified accordingly. And whereas by computation as many of the said exchequer bills as do amount to the said sum of two millions five hundred sixty one thousand seven hundred and eighty remain undischarged and uncanceled, and the present cost and expence to the publick for circulating and exchanging the same doth, by the said allowance of three pounds per centum per annum, and by the said growing interest
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of one penny per centum per diem, amount in the whole to one hundred and fifteen thousand seven hundred seventy nine pounds thirteen shillings and four pence per annum, or thereabouts, except so much thereof as is saved and may be abated for bills, from time to time, in the exchequer or in the hands of receivers or collectors of any taxes, aids or revenues payable to your Majesty; and it being apparently just and necessary with regard to the publick, that the said present cost and expence, and the said national debts and incumbrances be lessened as far as conveniently may be, We your Majesty's said dutiful and loyal subjects, for that end and purpose have resolved, That the surplus monies herein after particularly directed and appointed, and a further sum not exceeding five hundred thousand pounds, to be raised by way of a lottery, and another further sum, not exceeding five hundred and twenty thousand pounds, to be raised by way of loan, be applied towards paying off the principal and interest borne upon the said bills, and for cancelling the bills whereof the principal and interest shall be so paid off; and that so many of the said exchequer bills as shall remain undischarged and uncanceled by or with the money so to be applied, shall be circulated and exchanged in the manner hereafter in this act appointed in that behalf: now we your Majesty's said dutiful and loyal subjects the commons of Great Britain in parliament assembled, for the better and effectual accomplishment of their desires and intentions in the premisses, and that your Majesty and your subjects may be eased of the burden of the said national debts and incumbrances as fast as is consistent with honour and justice, do most humbly pray your Majesty, That it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That the sum of one hundred ninety six thousand four hundred forty four pounds eighteen shillings three pence half penny, which remained in the exchequer at *Michaelmas* one thousand seven hundred and eighteen for the overplus of the said particular duties on houses and other duties and revenues comprehended in the said fund, commonly called the aggregate fund, appointed to be reserved for disposition of parliament as aforesaid, being over and above the excess of the civil list fund for three years, ended at the same feast day; and that all the overplus monies of the civil list fund for three years ended at *Michaelmas* one thousand seven hundred and eighteen, which overplus is also appointed to be reserved for disposition of parliament as aforesaid; and the sum of nineteen thousand five hundred seventy seven pounds and ten shillings, which remained in the exchequer at *Michaelmas* one thousand seven hundred and eighteen, for the surplus or overplus of the fund, commonly called the fund of the *South Sea* company, appointed to be reserved for disposition of parliament as aforesaid; and the sum of one hundred ninety thousand four hundred thirty six pounds fifteen shillings eleven pence and nine twentieth parts of a penny, being the excess or surplus for the year ended at *Michaelmas* one thousand seven hundred

The several surplus monies of the aggregate fund, &c. to be applied towards redeeming exchequer bills.

hundred and eighteen, upon the yearly fund of seven hundred twenty four thousand eight hundred forty nine pounds six shillings ten pence and one fifth part of a penny, commonly called the general fund, likewise appointed, as aforesaid, to be reserved for the disposition of parliament (over and above the sum of one hundred and thirty thousand pounds, which is hereafter in and by this act directed to be reserved towards making good the half yearly payment on the annuities charged on the said general fund for the half year ending at *Christmas* one thousand seven hundred and eighteen) and all the excess or overplus monies, which within and for the half year to end at *Lady-day* one thousand seven hundred and nineteen, shall arise upon the several rates, duties, revenues and incomes, commonly called the aggregate fund, the *South Sea* company's fund, and the general fund before mentioned, every or any of them, which by the said acts of the third year of his Majesty's reign, were severally reserved and intended to be reserved, for disposition of parliament, shall by force and virtue of this act, be applied (so far as the monies of all the said several surplusses, excesses or overplusses will extend) towards redeeming the said annuity or allowance of seventy six thousand eight hundred and thirty pounds fifteen shillings *per annum*, and to and for the satisfying and discharging so much as the same will extend to satisfy and discharge of the principal monies contained in the said exchequer bills, and the interest due or to be due upon the same, according to the direction and true meaning of this act herein after specified.

3 Geo. 1. c. 8.

3 Geo. 1. c. 9.

3 Geo. 1. c. 7.

Money shall be issued for payment of the half yearly annuities charged on the general fund. Money to be issued to satisfy the annuities for one quarter, to end at *Lady-day* 1719. Afterwards those annuities to be paid half yearly. Treasury at *Lady-day* 1719, to cause all the surplusses for that half year to be computed. After *Lady-day* 1719. 20000*l.* yearly to be the fund for answering the annuities of 4*l.* per centum, to the contributors in this lottery. Till redemption by parliament. Any persons may be contributors. Times of payment. Fortunate tickets to be printed. Forging or counterfeiting tickets felony. Managers to enter fortunate tickets in a book, and transmit it into the exchequer; and a duplicate to the cashier of the bank, &c. Persons named in the said book entitled to an annuity of 4*l.* per centum, for their respective principal sums, payable half yearly. First payment at *Mich.* 1719. Guardians may contribute for infants. Annuities tax-free. Redeemed 13 Geo. 1. c. 3.

3 Geo. 1. c. 8.

XXII. And to the end all the annual and other payments, which by the said first recited act were charged upon the said duties, revenues and incomes, called the aggregate fund (other than and except such payments, as from and after *Lady-day* one thousand seven hundred and nineteen might incur for or upon the said allowance of seventy six thousand eight hundred and thirty pound fifteen shillings *per annum*, hereby intended to be redeemed, and other than and except such other sums of money and payments as are already satisfied and discharged, or are by this act intended to be reduced or saved to the publick) may, together with the said yearly fund, not exceeding twenty thousand pounds *per annum*, be well and sufficiently secured, and may

may respectively obtain their due course of payment, with such preferences as by the said former act, and this present act, are appointed in that behalf; it is hereby further enacted and declared by the authority aforesaid, That all the said particular duties on houses, and all the said other rates, duties, revenues and incomes, which by the said first recited act of the third year of his Majesty's reign were settled for answering the respective payments therein mentioned (all which are by this act denominated to be the aggregate fund, as aforesaid) and every of them, are and shall be continued, and be paid and payable to his Majesty, his heirs and successors for ever, and shall be raised, levied, collected and brought into the exchequer of *England*, by and according to such rules, methods and directions, and with such drawbacks, repayments and allowances, and under such penalties, forfeitures and disabilities, as are prescribed in and by the respective act and acts of parliament now in force, or any articles, clauses, matters or things therein contained, or thereby referred unto, for raising, levying or bringing in the same, as fully and effectually as if the same acts, articles, clauses, matters, and things, and every of them, were repeated and re-enacted in the body of this present act; nevertheless all the monies arising thereby into the said receipt of exchequer, from and after the feast of the annunciation of the blessed Virgin *Mary* one thousand seven hundred and nineteen, and all the monies then remaining in the said receipt, of the same rates, duties, revenues and incomes, shall be disposeable to and for the several and respective uses and purposes by this or the said first recited act appointed or intended (other than and except, as aforesaid) and subject to the several provisos of redemption herein contained; any former law, statute, provision, restriction, clause or clauses, matters or things whatsoever to the contrary notwithstanding.

The duties of the aggregate fund continued for ever.
3 Geo. 1. c. 3.

Redeemable by parliament.

All the monies to be entred in a book. The aggregate fund appropriated. Penalty on officers misapplying the monies. How the monies shall be issued and applied to the bank, &c. 120,000*l.* for his Majesty during life. Proviso for the deficiencies of 116,573*l.* 12*s.* Deficiencies to be made good by parliament. The annuities of 88,751*l.* 7*s.* and 10*d.* half penny, and 100,000*l.* per annum payable to the bank, redeemable. On six months notice to the bank, and repayment, annuities to cease. After redemption of the several annuities, aggregate fund to be redeemed. See 11 Geo. 1. c. 3. sect. 1. Till the lottery annuities are redeemed, bank to employ a chief cashier and accountant general. This annuity a personal estate. The principal monies of these annuities to be deemed a capital stock, and assignable. No stamp duty on transfers, &c. No fee for paying these annuities. The powers of 3 Geo. 1. c. 3. continued. The surplusses of the aggregate fund, &c. made liable to satisfy the loans hereafter mentioned. Further loan for discharging exchequer bills. Treasury every quarter to enter in a book a just account of the several surplusses for the preceding quarters. Another book for entry of orders of loan. 520,000*l.* may be advanced at 5*l.* per centum. Money lent tax-free. Tallies of loan to be struck, &c. No fee for registering, or undue preference. Tallies dated the same day, no undue preference. Orders assignable. All the monies of the several funds arisen before 25 March 1719. to be applied towards paying off and cancelling exchequer bills. Notice to be assised on the royal exchange, and published in the London Gazette, of

the time. On oath before a baron of the Exchequer, of bills being lost, &c. Treasury to pay the same. After 25 March 1719. the annuity after the rate of 3 l. per centum, shall cease, and the bank not obliged to circulate exchequer bills. The residue of the bills to be circulated by such persons as the treasury shall appoint. Treasury to allow a salary for the same. Treasury to contract with persons for circulating. Treasury to take subscriptions from such persons as will advance money for circulating exchequer bills. Contract to be in writing, and registred in the auditor of the receipts and clerk of the pells offices. No stamps on such contracts. Such persons not disabled from being members of parliament. Persons circulating the bills, and contractors, to keep an office in London or Westminster. Refusing to exchange the bills for ready money may be fined, &c. Treasury to issue out money for discharging exchequer bills, &c. Exchequer bills to be current in the revenue, &c. Receivers and collectors to give ready money for exchequer bills, &c. Exchequer bills paid or lent into the exchequer; officers to cause tallies to be levied for the same. Receivers to allow the interest on exchequer bills. No interest on bills in receivers hands or in the exchequer. How it shall be known, how long time the bills have been in receivers hands, &c. Such bills may be re-issued. Bills to be re-issued for the principal money only. Tellers to be re-imbursed the interest they pay on exchequer bills. Receivers of taxes to keep books for entry. Exchequer bills filled up by indorsements, new bills to be issued in lieu of them. Forging such bills, felony. No interest to be paid to any lesser sum than one penny. Treasury to issue bills for large sums not exceeding 5000 l. each. Treasury to allow salaries to persons for circulating, &c. Exp. 13 Geo. 1. c. 3.

The overplus money at the end of every quarter to be reserved for discharging national debts before 25 Dec. 1718.

LXVI. Provided also, and it is hereby enacted and declared by the authority aforesaid, That all the monies, which at the end of every or any quarter of a year shall or may be produced for the respective surplusses, excesses, or overplus monies of the said several funds, commonly called the aggregate fund, and the fund of the *South Sea* company, and of the said duties and revenues charged with the said general yearly fund of seven hundred twenty four thousand eight hundred forty nine pounds six shillings and ten pence and one fifth part of a penny, as also the excess or overplus of the same general yearly fund, when and as often as any such surplusses, excesses or overplus monies shall be over and above the monies at the end of every such quarter respectively due or demandable, to be first paid or reserved for payment out of the same, by virtue of this and the said recited acts, or any of them) shall be appropriated, reserved and applied, to and for the further discharging the principal and interest of such national debts and incumbrances as were incurred before the twenty fifth day of *December* one thousand seven hundred and sixteen, and are declared to be national debts, and were provided for by act or acts of parliament, in such manner and form as shall be directed or appointed by any future act or acts of parliament to be discharged therewith, or out of the same, and to or for none other use, intent or purpose whatsoever.

If provision be made by parliament in lawful coin to pay off principal and interest on exchequer bills, then such bills to be cancelled, &c. If the sum of 520,000 l. be not lent by 1 May 1719. then so much of the surplusses to be applied towards cancelling exchequer bills. EXP.

CAP.

CAP. IV.

For strengthening the protestant interest in these kingdoms.

WHEREAS an act of parliament was made in the tenth year ^{10 Ann. c. 2.} of the reign of the late Queen Anne, intituled, An act for the protestant religion, by better securing the church and, as by law established; and for confirming the tolerated to protestant dissenters by an act, intituled, *An act taking their Majesties protestant subjects, dissenting from the England, from the penalties of certain laws, and for sup- plying defects thereof; and for the further securing the pro- cession, by requiring the practicers of the law in North- y to take the oaths, and subscribe the declaration therein- d: and whereas part of the said act, as also another act- er mentioned, have been found to be inconvenient; be it- enacted by the King's most excellent majesty, by and- advice and consent of the lords spiritual and tempo- commons, in parliament assembled, and by the- of the same, That the said recited act passed in the Part of the act- ir of the late Queen Anne, from the beginning thereof ^{10 Ann. c. 2.} words; And it is hereby further enacted and declared by the ^{and the schism- act of 12 Ann. stat. 2. c. 7.} *aforsaid, That the toleration granted to protestant dissenters,* one act made in the twelfth year of the reign of the late ^{repealed.} *Queen Anne, intituled, An act to prevent the growth of schism, the further security of the churches of England and Ireland, established, shall be and are hereby repealed, annulled and void.**

Provided always, and be it enacted by the authority afore- Mayor, &c. re- said if any mayor, bailiff or other magistrate, in that part- sorting to any- Britain called England, the dominion of Wales, or the- conventicle- Berwick upon Tweed, or the isles of Jersey or Guernsey, with the en- signs of his of- wrongly or wilfully resort to, or be present at any pub- fice, disabled- ting for religious worship other than of the church of- to hold any- as by law established, in the gown or other peculiar ha- publick office- attended with the ensign or ensigns of or belonging to- office, that every such mayor, bailiff or other magi- cing thereof convicted by due course of law, shall be- to hold such office or offices, employment or employ- and shall be adjudged incapable to bear any publick of- employment whatsoever within that part of Great Britain- England, the dominion of Wales, and town of Berwick- reed, or isles of Jersey and Guernsey.

CAP. V.

For punishing mutiny and desertion, and for the better payment of the army and their quarters. EXP.

CAP.

C A P. VI.

*An act for quieting and establishing corporations.*13 Car. 2.
stat. 2. c. 1.

WHEREAS by act made in the thirteenth year of King Charles the Second, intituled, An act for the well governing and regulating of corporations, it is, amongst other things enacted, That every person or persons, who from and after the expiration of the commissions in the said act mentioned, should be placed, elected or chosen, in or to any the offices or places of mayors, recorders, bailiffs, town clerks, common council men, or to any office or offices of magistracy, or places or trusts, or other employment relating to or concerning the government of cities, corporations and boroughs, and cinqueports and their members, and other port towns, should at the same time when the oath for the due execution of the said places and offices respectively should be administered, take the following oath, viz.

The oath in
the recited act.

I A. B. do declare and believe, That it is not lawful, upon any pretence whatsoever, to take arms against the King; and that I do abhor that traitorous position of taking arms by his authority against his person, or against those that are commissioned by him.

*So help me God.**And subscribe the following declaration, viz.*The declara-
tion.

I A. B. do declare, That I hold that there lies no obligation upon me, or any other person, from the oath commonly called, *The solemn league and covenant*; and that the same was in itself an unlawful oath, and imposed upon the subjects of this realm against the known laws and liberties of this kingdom.

13 Car. 2.
stat. 2. c. 1.

And that in default thereof every such placing, election and choice should be void; and whereas the taking the said oath, and subscribing the said declaration, have for several years last past been generally omitted, and questions have of late arisen, Whether the said statute made in the said thirteenth year of King Charles the Second, as to the said oath and declaration, be yet in force: therefore for avoiding of all such questions for the future, and for the establishing the peace and quiet of corporations, be it declared and enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That all and every member and members of any corporation within this kingdom, and all and every person and persons that were required by the said above recited act to take the said oath, or subscribe the said declaration, shall be and are hereby confirmed in their several and respective offices and places, notwithstanding their omission to take the said oath, or subscribe the said declaration, and shall be indemnified, freed and discharged of and from all incapacities, disabilities, forfeitures and penalties arising from such omission, and none of their acts shall be questioned or avoided for or by reason of the same;
but

Members of corporations are confirmed in their offices, though they have not taken the said oath and declaration. And indemnified, &c.

Anno quinto GEORGH I. c. 6.

17.

all such acts shall be and are hereby declared and en-
be as good and effectual, as if all and every such per-
persons had taken the said oath, and subscribed the said
ion, according to the direction of the said act.

nd be it also further enacted by the authority aforesaid, ^{So much of}
much of the said statute as requires the taking of the ^{the recited act}
^{as requires}
1, and subscribing the said declaration, shall be and is ^{the taking}
epealed; and that neither the said oath or declaration ^{the said oath,}
required for the future. ^{&c. repealed.}

And whereas by the said recited act made in the thirteenth ^{13 Car. 2. stat.}
King Charles the Second, it is enacted, That no person or ^{2. c. 1,}
shall be placed, elected, or chosen, in or to any of the offices
relating to or concerning the government of any city, corpora-
ough, cinque-port and their members, and other port-towns,
ther offices in the said recited act mentioned or expressed,
l not have, within one year next before such election or choice,
sacrament of the Lord's supper, according to the rites of
h of England, and that in default thereof every such placing,
nd choice, shall be void;

be it further enacted by the au- ^{Members of}
foresaid, That all and every the now member and mem- ^{corporations,}
ny corporation within this kingdom, and all and every ^{&c. who have}
nd persons now in actual possession of any office, that ^{omitted to}
uired by the said above recited act to take the sacrament ^{take the sacra-}
ord's supper according to the rites of the church of ^{ment, as en-}
within one year next before his election or choice into ^{joined by the}
ce, shall be and are hereby confirmed in their several ^{said act, shall}
ctive offices and places, notwithstanding their omission ^{nevertheless}
he sacrament of the Lord's supper as aforesaid, and ^{continue in}
indemnified, freed and discharged, of and from all in- ^{offices, and be}
s, disabilities, forfeitures and penalties arising from such ^{freed from all}
; and that none of their acts, nor the acts not yet ^{incapacities,}
of any who have been members of any corporation, ^{&c. arising}
al possession of such offices, shall be questioned or a- ^{from such}
r or by reason of such omission; but that all such acts ^{omission.}
nd are hereby declared and enacted to be as good and
as if all and every such person and persons had taken
ment of the Lord's supper in manner as aforesaid; nor
person or persons, who shall be hereafter placed, elected
1, in or to any the offices aforesaid, be removed by the
ion, or otherwise prosecuted for or by reason of such
; nor shall any incapacity, disability, forfeiture or pe-
e incurred by reason of the same, unless such person be
red, or such prosecution be commenced, within six
after such person's being placed or elected into his re-
office, as aforesaid; and that in case of a prosecution
be carried on without wilful delay.

CAP. VII.

An act for continuing an act made in the twelfth year of the reign of her late majesty Queen Anne, intituled, An act for encouraging the tobacco trade.

28 Ann. Stat. 2.
c. 8.

The recited act shall be continued as long as the duties on tobacco continue.

WHEREAS an act was made in the twelfth year of the reign of her late majesty Queen Anne, intituled, An act for the encouraging the tobacco trade, to continue for the space of five years, to commence from the first day of June one thousand seven hundred and fourteen, and from thence to the end of the then next session of parliament, which act is near expiring: and whereas the said act hath been found to be very beneficial to the said trade, and of good use for the purposes thereby designed: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That the said recited act made in the twelfth year of her said late Majesty's reign concerning tobacco, and all and every the rules, directions, powers, penalties, discounts, allowances, clauses, matters and things therein contained, shall by virtue of this act be continued, and be in full force, during such time as the respective duties on tobacco shall respectively continue; any law, statute, matter or thing to the contrary notwithstanding.

CAP. VIII.

An act for the more effectual relief of such wives and children, as are left by their husbands and parents, upon the charge of the parish.

Churchwardens, &c. may by warrant from two justices, seize the goods, &c. of husbands and parents, who leave their wives and children upon the parish.

WHEREAS divers persons run or go away from their places of abode into other counties or places, and sometimes out of the kingdom, some men leaving their wives, a child or children, and some mothers run or go away, leaving a child or children, upon the charge of the parish or place where such child or children was or were born, or last legally settled, although such persons have some estates, which should ease the parish of their charge, in whole or in part: may it please your Majesty therefore that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful for the churchwardens or overseers of the poor of such parish or place where any such wife, or child or children shall be so left, upon application to, and by warrant or order from any two justices of the peace, to take and seize so much of the goods and chattels, and receive so much of the annual rents and profits of the lands and tenements of such husband, father or mother, as such two justices of the peace, as aforesaid, shall order or direct, for or towards the discharge of the parish or place where such

such wife, child or children are left, for the bringing up and providing for such wife, child or children; which warrant or order being confirmed at the next quarter sessions, it shall be lawful for the justices of such quarter sessions to make an order for the churchwardens or overseers for the poor of such parish or place, to dispose of such goods and chattels by sale, or otherwise, or so much of them, for the purposes aforesaid, as the court shall think fit, and to receive the rents and profits, or so much of them as shall be ordered by the sessions, as aforesaid, of his or her lands and tenements, for the purposes aforesaid.

Such warrant to be confirmed at quarter sessions; who may make an order for sale, &c.

II. And be it enacted by the authority aforesaid, That the churchwardens and overseers aforesaid shall be accountable to the justices at the quarter sessions for all such money as they, or any of them, shall receive by virtue of this act.

Churchwardens, &c. to be accountable to justices in sessions.

C A P. IX.

An act for continuing certain duties upon coals and culm, and for establishing certain funds to raise money, as well to proceed in the building of new churches, as also to compleat the supply granted to his Majesty; and to reserve the overplus monies of the said duties for the disposition of parliament; and for more effectual suppressing private lotteries.

MOST gracious Sovereign, Whereas by an act of parliament made and passed in the ninth year of her late Majesty's reign, intituled, An act for granting to her Majesty several duties upon coals, for building fifty new churches in and about the cities of London and Westminster, and suburbs thereof, and other purposes therein mentioned, it was enacted, That for all sorts of coals and culm, which from and after the fourteenth day of May one thousand seven hundred and sixteen, and before the nine and twentieth day of September one thousand seven hundred and twenty four, should be imported and brought into the port of the city of London, or the river of Thames within the liberty of the said city, upon the same river, there should be paid to her Majesty her heirs and successors by way of imposition thereupon (over and besides all other impositions and duties) according to the rates therein after mentioned, that is to say, from and after the said fourteenth day of May one thousand seven hundred and sixteen, and before the nine and twentieth day of September one thousand seven hundred and sixteen, for all such sorts of coals and culm as are usually sold by the chalders, for every chalders thereof, containing thirty six bushels Winchester measure, the sum of two shillings; and for such sort of coals as are sold by the tun, for every tun thereof, containing twenty hundred weight, the sum of two shillings; and from and after the eight and twentieth day of September one thousand seven hundred and sixteen, and before the eight and twentieth day of September one thousand seven hundred and twenty four, there should be paid for every such said chalders of coals and culm and tun of coals, the sum of three shillings; and that all the monies which should be raised by virtue of that act (the necessary

9 Ann. c. 22.
10 Ann. c. 11.
and 1 Geo. 1.
stat. 2. c. 23.
See 1 Geo. 2.
stat. 2. c. 8. f. 3.
Provisions are made for the surplus arising from this act by 5 Geo. 1. c. 19. f. 42, &
13 Geo. 1. c. 21.
1 Geo. 2. c. 8.

10 Ann. c. 11.

1 Geo. 1. stat.
2. c. 23.

cessary charges of raising, managing and accounting for the same excepted) should be brought into the receipt of the exchequer, and should be appropriated and disposed for the building of fifty new churches of stone, and other proper materials, with towers or steeples to each of them, and for purchasing sites of churches and church-yards, and burying-places, in or near the cities of London and Westminster, or the suburbs thereof; and for making such chapels churches as were already built, and capable thereof, parish churches; and for purchasing houses for the habitations of the ministers of the said churches; and for applying the sum of four thousand pounds per annum out of the said duties and impositions towards the repairing and finishing the collegiate church of Saint Peter, Westminster, and the chapels of the same; and also for applying the sum of six thousand pounds per annum out of the said duties and impositions arising by that act, towards the finishing Greenwich Hospital, and the chapel thereunto belonging; and to and for none other use, intent or purpose whatsoever: and it was thereby declared and enacted, That there should be erected and built of stone, and other materials, fifty churches, with towers or steeples to each of them, whereof one should be erected in the parish of East-Greenwich in the county of Kent. And whereas in the tenth year of her said late Majesty's reign, another act was made and passed in parliament for enlarging the time given to the commissioners appointed by her Majesty, pursuant to the said former act for granting the said duties for building the said new churches, and other purposes therein mentioned, and for giving to the said commissioners further powers for better effecting the same, and for appointing monies for rebuilding the parish church of St. Mary Woolnoth in the said city of London. And whereas by an act of parliament made and passed in the first year of your Majesty's reign, intituled, An act for making provision for the ministers of the fifty new churches which are to be built in and about the cities of London and Westminster, and suburbs thereof, and for rebuilding and finishing the parish church of St. Mary Woolnoth in the said city of London, it was enacted, That for all sorts of coals and culm, which from and after the twenty seventh day of September one thousand seven hundred and twenty four, and before the twenty eighth day of September one thousand seven hundred and twenty five, shall be imported and brought into the port of the city of London, or the river of Thames, within the liberty of the said city upon the same river, there should be paid to his Majesty, his heirs and successors, by way of imposition thereupon (over and besides all other impositions and duties, according to the rates therein after mentioned, that is to say) for all such sorts of coals and culm as are usually sold by the chalders, for every chalders thereof, containing thirty six bushels Winchester measure, the sum of three shillings; and for such sort of coals as are sold by the tun, for every tun thereof, containing twenty hundred weight, the sum of three shillings; and that all the monies which should be raised by virtue of that act (the necessary charges of raising, managing, and accounting for the same, excepted) should be brought into the receipt of exchequer, and should be appropriated for and towards the providing due maintenances for the ministers to attend the service of God in the said new churches, and

and should for that purpose be issued, applied and disposed, in such manner as should thereafter be directed by parliament: and it was thereby enacted, That the said parish church of St. Mary Woolnoth, and the tower thereof, should be rebuilt and finished out of the duties granted by the said recited act of the ninth year of her said late Ma-⁹ Ann. c. 22.
 jesty's reign; and that the monies to be employed for that purpose, should be replaced and made good out of and by the monies applicable by virtue of the said act of the tenth year of her said late Majesty's¹⁰ Ann. c. 11.
 reign, to the rebuilding and finishing the said church, and the tower thereof, as by the said several acts, relation being thereunto respectively had, may more fully appear: and whereas out of the said duties of coals and culm, or out of monies lent upon credit of the same, several considerable sums, amounting in the whole to one hundred sixty one thousand one hundred seventy and five pounds sixteen shillings and seven pence, have been already raised and issued for the buildings, repairs, and other purposes prescribed in or by the said recited acts, and the building of some of the new churches thereby appointed to be built, hath been begun, and several repairs which were thereby directed, have been entred upon, and some scites, cemetaries, burying-places, and ministers houses have been purchased or contracted for, and other charges have been borne, and payments made pursuant to the orders of the several commissioners, who from time to time have been intrusted in and for the execution of the powers in the said several acts contained; but the charge of the said buildings and repairs already begun or performed, hath been so excessive, that over and above the application of the said monies already issued, a great debt is now owing to workmen and others for the same; and it evidently appears, That in case the expence of the said buildings and repairs should proceed and be carried on at or near the same excessive rates, the whole produce of the said duties, during the said time or times to come therein by the said former acts (though such produce far exceeds the original estimates made for building the said new churches and repairs) will be very deficient for those purposes, and may probably at the end of the said present terms leave a great debt for work and materials unprovided for: and whereas it is computed or estimated, That the said duties laid by the said former acts on coals and culm to be imported, as aforesaid, between Lady-day one thousand seven hundred and nineteen, and the said twenty eighth day of September one thousand seven hundred and twenty five, may amount in the whole to the sum of three hundred and sixty thousand pounds; and in case the present terms in the said duties be enlarged, so as to make up thirty two years, from Lady-day one thousand seven hundred and nineteen, the said sum of three hundred and sixty thousand pounds may be raised for the purposes before mentioned, as in this act is afterwards provided, upon a particular yearly fund or security in that behalf; and that the sum of five hundred twenty eight thousand three hundred and twenty pounds one shilling and nine pence may be raised by establishing another particular yearly fund, and by such other ways and means as are hereafter in this act provided, for making good the supply granted to his Majesty in this session of parliament in the manner herein after mentioned; and that the surplusses which shall or may, from time to time, arise by the said duties on coals and culm, over and above so much as shall

be sufficient to discharge the payments by this act intended to be charged thereupon, may be reserved for the use of the publick: therefore we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being desirous to pursue your Majesty's pious and gracious intentions for the honour and benefit of the church of England and advancement of our holy religion, by making provision for raising the said sum of three hundred and sixty thousand pounds in such proportions at a time as shall be needed to be employed (so far as the same will extend) for or towards the building and finishing of churches, purchasing scites, church yards, burying places, and houses for ministers, repairing the said collegiate church of St. Peter, Westminster, and the chapels of the same, finishing Greenwich Hospital and the chapel thereunto belonging, and making provisions for ministers, according to the true intention of the said former acts of parliament; and being also desirous to make good the supply granted to your Majesty in this session of parliament, by making provision to raise a sum, not exceeding the said sum of five hundred twenty eight thousand three hundred and twenty pounds one shilling and nine pence; and being also desirous to have the said surplusses reserved for the use of the publick as aforesaid, do most humbly present to your Majesty the several impositions, rates and duties herein after mentioned, and do most humbly pray, That it may be, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That for all sorts of coals and culm which, from and after the twenty-seventh day of September one thousand seven hundred and twenty five, and before the feast of the annunciation of the blessed Virgin Mary which shall be in the year of our Lord one thousand seven hundred and fifty one, shall be imported and brought into the port of the city of London, or the river of Thames within the liberty of the said city upon the same river, there shall be paid to his Majesty, his heirs and successors, by way of imposition thereupon (over and above all other impositions and duties) according to the rates hereafter mentioned, (that is to say) for all such sorts of coals and culm as are usually sold by the chalder, for every chalder thereof containing thirty six bushels Winchester measure, the sum of three shillings, and for such sort of coals as are sold by the tun, for every tun thereof, containing twenty hundred weight, the sum of three shillings.

Coals and culm imported into the port of London, after 27 Sept. 1725, and before 25 March 1751, to pay, viz. 3 s. per chalder and tun. These duties are made perpetual by 6 Geo. 1. c. 4. sect. 1. See 13 Geo. 1. c. 21. sect. 1.

These duties to be under the management of the commissioners of the customs.

II. And it is hereby enacted by the authority aforesaid, That the said respective sums of three shillings for every chalder of coals and culm and tun of coals, which from time to time, from and after the feast of the annunciation of the blessed Virgin Mary one thousand seven hundred and nineteen, and before the said feast of the annunciation of the blessed Virgin Mary which shall be in the year of our Lord one thousand seven hundred and fifty one, shall be imported or brought into the said port

port or river within the liberty of the said city, as aforesaid, and payable by virtue of the said recited acts of the ninth year of her late Majesty's reign and the first year of his Majesty's reign, and by virtue of this present act, every or any of them, shall from time to time be under the management of the commissioners and officers of his Majesty's customs for the time being, according to such orders and directions as are or shall from time to time be given by the commissioners of the treasury, or any three or more of them now being, or by the high treasurer, or any three or more of the commissioners of the treasury for the time being; and shall or may from time to time be raised, levied, collected and paid to his Majesty, his heirs and successors, in such manner, method and form, and at such places and by such rules, ways and means, and under such penalties and forfeitures, as are mentioned, expressed and referred unto in and by any act, law or statute, acts, laws or statutes now in force, for raising, levying, collecting or answering any other duty or duties now payable to his Majesty for or upon any coals or culm whatsoever imported or brought coastwise into the said port of *London*; and that all and every the powers, authorities, penalties, forfeitures, disabilities, articles, rules and clauses in the same acts, laws and statutes, or any of them, mentioned or contained (except such and so much of them, for and concerning which it is otherwise provided in this and the said recited acts, or any of them) shall be of such force and effect, to all intents and purposes, for the raising, levying, collecting and answering the impositions hereby granted, for and during the said term or time herein before limited, as if the same were particularly and at large set down and enacted by this act; any former law, custom or usage whatsoever to the contrary in any wise notwithstanding.

Duties how to be levied.

III. Provided, that this act, or any thing therein contained, shall not extend, or be construed to extend, to charge or lay any of the duties or impositions hereby imposed upon such coals (not exceeding one hundred chalders by the year) as shall be brought into the port of *London*, from *Newcastle upon Tyne* or any other place, for the only use and service of the royal hospital at *Chelsea*; any thing herein contained to the contrary notwithstanding.

100 chalders of coals per ann. for Chelsea hospital, not chargeable.

IV. And be it further enacted by the authority aforesaid, That all and every such sum and sums of money as shall be raised, collected or levied by virtue of the said recited act of the ninth year of her said late Majesty's reign, and by virtue of the said recited act of the first year of his Majesty's reign, and by virtue of this present act, every or any of them, of or for the said duties on coals and culm to be imported and brought into the said port of the city of *London*, or the river of *Thames* within the liberty of the said city upon the same river, at any time or times, from and after the feast of the annunciation of the blessed *Virgin Mary* one thousand seven hundred and nineteen, and before the said feast of the annunciation of the blessed *Vir-*

The monies to be brought into the exchequer.
9 Ann. c. 12.
1 Geo. 1. stat.
2. c. 23.

And appropriated for the uses of this act.

After 25 March 1719, for 32 years, 21,000l. to be a fund for answering the principal and interest of 360,000l.

Money may be raised by way of loan at 4l. per cent. for building churches, &c.

in *Mary* one thousand seven hundred and fifty one, (the necessary charges of raising, managing and accounting for the same always excepted) shall from time to time be brought and paid into the receipt of Exchequer; and the same monies (other than such surplus monies as are to be reserved for future disposition by parliament as aforesaid) are and shall be, by force and virtue of this act, appropriated, issued, applied and disposed to and for the several and respective uses and purposes in and by this present act prescribed and directed, of and concerning the same, and to and for none other use, intent or purpose whatsoever; any former act or acts of parliament, or any appropriation, direction, clause or clauses, matter or thing whatsoever therein contained to the contrary in any wise notwithstanding.

V. And to the end a good and sufficient fund and security may be settled and established for raising the said sum of three hundred and sixty thousand pounds, in such proportions at a time as shall be needed, for the purposes in this act particularly expressed, of and concerning the same; be it further enacted by the authority aforesaid, That yearly and every year, from and after the said feast of the annunciation of the blessed Virgin *Mary* one thousand seven hundred and nineteen, for and during the term of thirty and two years from thence next ensuing, the full sum of twenty and one thousand pounds, by or out of the monies of or for the said several duties on coals and culm by this act appropriated as aforesaid, shall be and is by this act declared and enacted to be a particular fund and security for answering and paying, as well the principal as the interest of the said sum of three hundred and sixty thousand pounds, in such course, manner and form, as are hereafter in this act prescribed in that behalf: and the commissioners of his Majesty's treasury now being, and the treasurer and under-treasurer of the exchequer and commissioners of the treasury of his Majesty, his heirs and successors for the time being, are hereby strictly enjoined and required to cause the said yearly sum of twenty and one thousand pounds to be applied according to this act, out of the duties arising as aforesaid, with preference to any other payments to be made out of the same; any former law or statute to the contrary notwithstanding.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of his Majesty's treasury, or any three or more of them now being, and the treasurer and under-treasurer of the exchequer, or any three or more of the commissioners of the treasury for the time being, (without any further or other warrant or authority to be sued for, had or obtained in that behalf) from time to time to direct the officers at the receipt of the exchequer to receive, by way of loan, from any person or persons, natives or foreigners, bodies politick or corporate, willing to make such loan or loans upon credit of the said particular fund of twenty and one thousand pounds *per annum* by this act established

blished as aforesaid, such sum and sums of money as any five or more of the persons appointed, or to be appointed by commission or letters patents under the great seal of *Great Britain*, shall from time to time, or at any time or times, think necessary, and shall, by writing under the hands of them or any five or more of them, desire to be raised by way of loan for the buildings, repairs and other purposes by the said recited acts intended; and to allow interest, not exceeding the rate of four pounds *per centum per annum*, for the forbearance thereof; and that the monies so lent shall not be taxed or assessed by any act of parliament whatsoever; and that such lenders shall have tallies of loan and orders for their repayment, with such interest as aforesaid, out of the said particular fund of twenty and one thousand pounds *per annum*, the principal to be paid in course according to the respective dates of the tallies, and the interest every three months, until the repayment of the principal, so that at the end of every quarter of a year the said interest then due shall be paid, or money sufficient shall be reserved for payment thereof; and the rest of the money of the same particular fund then remaining in the exchequer shall be issued and applied, from time to time, towards satisfaction of the said principal in course as aforesaid; and so as care be taken, that as the principal be paid off, the interest be proportionably sunk and abated; and that no fee, reward or gratuity shall be demanded or taken in or for the payment thereof; and that the money of the said particular fund of twenty and one thousand pounds *per annum* shall be liable to satisfy such orders accordingly without being diverted from the same to any other use, intent or purpose, upon pain of forfeiting treble damages, with full costs of suit, to the party grieved by the party offending; and that such orders shall be assignable by endorsements thereupon according to the course in such cases used in the exchequer; any law or statute whatsoever to the contrary notwithstanding.

Tax free.

To be paid in course.
Interest every three months, &c

VII. And it is hereby enacted, That all the monies to arise by way of loan upon credit of the said particular fund of twenty and one thousand pounds *per annum*, and all the monies of the same fund (except so much thereof as is to be applied for repayment of the principal and satisfaction of the interest of the loans which shall be made thereupon, as aforesaid) are hereby appropriated, and shall be applied for or towards the building and finishing of churches, purchasing of scites, church-yards, burying-places, and houses for ministers, repairing the said collegiate church of *St. Peter, Westminster*, and the chapels of the same, finishing *Greenwich Hospital* and the chapel thereunto belonging, making provision for ministers, and other charges relating to the said churches, which were authorized and intended by the said former acts or any of them concerning the same, and to or for none other use, intent or purpose whatsoever.

The 21,000 l. per ann. appropriated for building the churches, &c.

VIII. Provided always, That the principal of such loans, together with the monies (if any such be) which shall be supplied out of the same particular fund itself, for the purposes last

Not to exceed 360,000 l.

men-

mentioned, shall not in the whole exceed the said sum of three hundred and sixty thousand pounds.

Treasury to issue such money as the commissioners for the churches shall think fit, to the treasurer in that behalf.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of his Majesty's treasury, or any three or more of them now being, and the high-treasurer and under-treasurer of the exchequer, or any three or more of the commissioners of the treasury for the time being, and they are hereby directed and authorized, (without any further or other warrant or authority to be sued for, had or obtained in that behalf) from time to time to issue and pay, or cause to be issued and paid, out of the monies to arise by way of loan upon credit of the said particular fund of twenty and one thousand pounds *per annum* and out of the monies of the said particular fund of twenty and one thousand pounds *per annum*, (except so much of the same particular yearly fund as is to be applied for the payment of principal and satisfaction of the interest of the loans to be made upon the same as aforesaid) such sum and sums of money as shall be thought meet and necessary by the said commissioners appointed or to be appointed to take care of the said buildings as aforesaid, or any five or more of them, for the buildings, repairs and other the services last before-mentioned; which monies so to be issued as aforesaid shall be paid unto such person or persons, (not being of the number of the same commissioners) for the ends and purposes aforesaid, as his Majesty, his heirs or successors, shall from time to time direct and appoint to be the treasurer or treasurers in this behalf; and shall be received by him or them by way of imprest, and be accounted for only by such treasurer or treasurers; and shall be disbursed, expended and applied by such treasurer and treasurers respectively, according to such orders and warrants as he or they shall receive from time to time from the said commissioners for the said buildings and repairs, or any five or more of them, for all or any the uses and services before by this or the said former acts prescribed or allowed in that behalf, and not otherwise, or to any other use, intent or purpose whatsoever; which said treasurer and treasurers respectively shall be accountable in the exchequer for the same, and shall give such sufficient security, as shall be approved by the commissioners of the treasury, or any three or more of them now being, or by the treasurer and under-treasurer of the exchequer, or any three or more of the commissioners of the treasury for the time being, before he or they enter upon his or their office, for making such accounts.

Treasurer accountable in the exchequer, and to give security.

The produce of the duties before 25 March 1719, to be applied in pursuance of the former acts.

X. Provided always, and it is hereby enacted by the authority aforesaid, That the produce of the said duties which shall come or be brought into the receipt of exchequer for such coals or calm, as aforesaid, imported or to be imported before the said feast of the annunciation of the blessed Virgin *Mary* one thousand seven hundred and nineteen, shall be issued and applied in such manner as the same ought to have been issued and applied by or in pursuance of the said former acts or any of them,

if

if this present act had not been made; and if it shall appear, after the application thereof, that any money shall remain unsatisfied for principal or interest upon the register of loans kept at the exchequer, by virtue or in pursuance of the said acts of the ninth and tenth years of her late Majesty's reign or either of them, then such remainder so unsatisfied shall be paid and discharged out of the first monies to be raised or paid in part of the said sum of three hundred and sixty thousand pounds; any thing herein contained to the contrary notwithstanding.

9 Ann. c. 22.
10 Ann. c. 11.

XI. And it is hereby enacted, That all such powers, provisions, directions and clauses contained in the said recited acts of the ninth and tenth years of her said late Majesty's reign, and in the said act of the first year of his Majesty's reign, or in any other act or acts of parliament touching the building and repairing of the said churches, and any other matters and things therein specified, as are now in force and are not taken away or altered by this present act, shall continue and be in force to all intents and purposes, as if the same powers, directions, provisions and clauses were repeated and re-enacted in the body of this act.

The powers,
&c. in the
former acts
continued.
1 Geo. 1.
stat. 2. c. 23.

XII. Provided always, and be it enacted by the authority aforesaid, That it shall and may be lawful to and for the King's majesty, his heirs and successors, from time to time, by commission or letters patents under the great seal of *Great Britain*, to nominate, constitute and appoint such persons to be commissioners to execute all and every the powers in the said recited acts of the ninth and tenth years of her said late Majesty's reign, and of the first year of his Majesty's reign, which do or shall remain to be executed, and all the powers in this present act, touching the building and repairing of the said churches, and other matters by such commissioners to be done and performed, and to observe such directions as shall be most conducive to his Majesty's gracious and pious intentions in the premises.

His Majesty
may appoint
commissioners
for the
churches.

XIII. And to the end a good and sufficient fund and security may be settled and established for raising the sum of five hundred and five thousand nine hundred ninety and five pounds, part of the said sum of five hundred twenty eight thousand three hundred and twenty pounds one shilling and nine pence, for making good the supply granted to his Majesty in this session of parliament: be it further enacted by the authority aforesaid, That yearly and every year, from and after the feast of the annunciation of the blessed Virgin *Mary* one thousand seven hundred and nineteen, for and during the term of thirty two years from thence next immediately ensuing, the full sum of thirty thousand five hundred fifty and nine pounds and fourteen shillings *per annum*, by or out of the monies of or for the said several duties on coals and culm by this act appropriated or intended to be appropriated as aforesaid, shall be and by this act is declared and enacted to be a particular fund and security for answering and paying, as well the principal as the interest of the fortunate lots or chances herein after mentioned, in such course, manner and form as are hereafter in this act prescribed in that behalf:

After Lady-
day 1717, for
32 years
30,559l. 14s.
per ann. to be
the fund for
the fortunate
lots.

behalf: and the commissioners of his Majesty's treasury now being, and the high treasurer and under treasurer of the exchequer, and the commissioners of the treasury of his Majesty, his heirs and successors for the time being, are hereby strictly enjoined and required to cause the said yearly sum of thirty thousand five hundred fifty nine pounds and fourteen shillings to be from time to time set apart, issued and applied according to this act, out of the duties arising as aforesaid; any former law or statute to the contrary notwithstanding.

Any persons may be contributors.

XIV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons, natives or foreigners, bodies politick or corporate, to contribute or advance, for or towards raising the said sum of five hundred and five thousand nine hundred and ninety five pounds, by paying, at or before the respective days and times in this act limited in that behalf, to any receiver or receivers to be appointed for that purpose, as is herein after mentioned, the sum of three pounds, or divers intire sums of three pounds upon this act; and that for raising the said sum of five hundred and five thousand nine hundred ninety five pounds, any person who will become contributor or adventurer, shall or may advance the sum of three pounds, for which sums so advanced he, she or they, in case of a fortunate lot, shall be entitled to receive, by virtue of this act, such principal money and interest for the same, to be paid, as herein after is mentioned, by and out of the said particular fund of thirty thousand five hundred fifty and nine pounds and fourteen shillings *per annum*, settled by this act; and that every such contributor or adventurer may advance as many intire sums of three pounds, as he, she or they shall think fit; and for every such sum of three pounds so advanced he, she or they, if fortunate, is and are to be interested in one lot or share of and in the same yearly fund by virtue of this act: and the same intire sums of three pounds each are hereby appointed to be paid to such receiver or receivers at or before the respective days and times and in the respective proportions herein after mentioned, that is to say, one third part thereof on or before the fifteenth day of *April* one thousand seven hundred and nineteen, and the remaining two third parts thereof on or before the fifteenth day of *May* in the year of our Lord one thousand seven hundred and nineteen.

Times of payment.

Treasury to appoint managers. Books to be prepared with two columns. Treasury to appoint receivers. Managers to examine the books. Tickets how to be delivered out. Books to be re-delivered to the managers by 30 May 1719. Tickets not disposed of to be delivered into the Exchequer to be cancelled. E X P.

Recital of 5 Geo. 1. c. 3. being the other lottery-act of this session.

XVIII. *And whereas in and by one act of this session of parliament, intituled, An act for applying certain overplus monies and further sums to be raised, as well by way of a lottery as by loans, towards paying off and cancelling exchequer bills, and for lessening the present great charge in relation to those bills, and for circulating*

circulating and exchanging for ready money the residue of the same bills for the future, it is enacted, That one hundred sixty eight thousand six hundred sixty five tickets therein mentioned shall be rolled up and put into a box to be marked with the letter (A) and secured as in the same act is prescribed; and that books shall be prepared, in which every leaf shall be divided or distinguished into two columns; and that upon the innermost of those two columns there shall be printed one hundred sixty eight thousand six hundred sixty five tickets, and that upon the outermost of those two columns there shall be printed one hundred sixty eight thousand six hundred sixty five tickets; and that twenty eight thousand one hundred and nine, part of those contained in the outermost columns of the books last mentioned, shall be and be called the fortunate tickets, to which the prizes or benefits shall belong, as is therein mentioned; and the said fortunate tickets shall be written upon, as well in figures as in words at length, in manner following, that is to say, upon one of them, twenty thousand pounds principal money; upon two of them severally, ten thousand pounds principal money; upon every one of four of them severally, five thousand pounds principal money; upon every one of thirty of them severally, one thousand pounds principal money; upon every one of seventy of them severally, five hundred pounds principal money; upon every one of four hundred and four of them severally, one hundred pounds principal money; upon every one of eight hundred of them severally, fifty pounds principal money; upon every one of fourteen hundred and eight of them severally, five and twenty pounds principal money; and upon every one of twenty five thousand three hundred and ninety of them severally, ten pounds principal money: which principal sums, together with five hundred pounds principal money to be allowed to the owner of the first-drawn ticket, and five thousand pounds principal money to the owner of the last-drawn ticket, (besides the benefits which may happen to belong to the two tickets last mentioned) do amount in the whole to five hundred thousand pounds; and that all the tickets contained in the outermost columns of the last-mentioned books, shall be carefully rolled up and put into another box to be marked with the letter (B), to be also secured as in the same act is prescribed; and that on or before the twenty fourth day of September one thousand seven hundred and nineteen the said several boxes, with the tickets therein, shall be brought into the Guild-hall of the city of London; and that the tickets therein shall be drawn, and the fortunate tickets ascertained, adjusted and settled in the manner and within such time as are therein mentioned, as by the same act, relation being thereunto had, may more fully appear. Now in regard the tickets prescribed by this present act do consist of the same numbers, and are to be attended with the same chances with those appointed to be prepared by the act last before recited: it is hereby further enacted by the authority aforesaid, That the chance of every ticket for which any money shall be contributed on this present act (whether the same shall happen to be a prize or a blank) shall be determined by the drawing of the tickets upon the said other act; so that in every case where any numbered ticket upon the drawing by the said other act shall be entitled to a prize in principal money,

Every chance of this lottery to be determined by the drawing of the other lottery.
Geo. 1. c. 9.

money, the ticket of the like number to be made forth upon this present act shall be entitled to a prize of the like value in principal money; and in every case where any numbred ticket upon the drawing by the said other act shall not be a prize, the ticket of the like number to be made forth upon this present act shall likewise be deemed to be an unfortunate ticket, to which no prize shall belong.

The method of drawing to ascertain the course of payment. An exact table of the course of payment to be printed. Fortunate tickets to be brought to the managers within 30 days after drawing. Fortunate tickets to be printed. Forging or counterfeiting tickets felony. Managers to enter fortunate tickets in a book, and transmit it into the Exchequer. Interest to be paid quarterly. First payment at St. John Baptist's day 1719. Managers to be sworn. Their oath. All receipts and issues at the exchequer to be gratis, &c. Money lent tax-free. Fortunate tickets to be exchanged for standing orders. Orders in the same course of payment to be numbred according to their bringing in. Orders to be paid numerically, &c. and assignable. Several orders in the same thousand may be turned into one order, not exceeding 500l. in one order. The fund of 30,559l. 14s. per annum appropriated for paying interest and principal. No undue preference if subsequent orders be paid before other persons that did not come to take their money. Monies of one year proving deficient, to be paid out of the next year. Notice in the London Gazette, and by writing to be hung up in the office, to be given of what courses are in payment. Receivers may take in money before they receive their books. Contributor advancing one third, and not the remaining two thirds by 15 May 1719. the first third forfeited, &c. Treasury to appoint officers to pay interest and principal, and to register all assignments of orders, &c. All assignments to be registred without fee. Extraordinary benefits of 1000l. or upwards, may be divided into several standing orders, &c. Guardians may subscribe for infants. The overplus of the duties on coals quarterly, to make good the residual sum of 22,325l. 1s. 9d. The managers and incident charges to be paid out of the duties on coals. E X P.

All surplus money disposable by parliament.

XLII. And it is hereby enacted by the authority aforesaid, That all the surplus, excess, or overplus monies, which shall or may quarterly, or at the end of any quarter of a year, during the said term of thirty two years, arise by the said duties on coals and culm hereby appropriated, as aforesaid (over and above so much as shall be sufficient to discharge the monies then due and incurred on the said particular fund of twenty one thousand pounds *per annum*, and on the said particular fund, not exceeding thirty thousand five hundred fifty nine pounds and fourteen shillings *per annum*, and over and above the necessary charges for executing this act, and over and above the monies applicable by this act, to satisfy the said residual sum of twenty two thousand three hundred twenty five pounds one shilling and nine pence) and that all the surplus, excess, or overplus monies which shall or may arise and remain of or for the said duties on coals and culm hereby appropriated, as aforesaid, after the said sum of three hundred and sixty thousand pounds to be charged on the said particular fund of twenty one thousand pounds *per annum*, and after all the principal and interest to be charged, as aforesaid, on the said particular sum of thirty thousand five hundred fifty nine pounds and fourteen shillings

per

and after the said residual sum of twenty two thousand hundred twenty five pounds one shilling and nine pence and the said necessary charges of executing this act, shall be fully paid off, discharged and satisfied, (or sufficient moneys be set off for those purposes) shall be kept apart and for the disposition of parliament, and shall not be applied to any use or purpose whatsoever, but by authority of parliament, and according to such future act or acts of parliament as shall be made and passed for the disposition

1. *And whereas notwithstanding the several good acts of parliament heretofore made against private lotteries, several persons in publick notice for taking subscriptions for the sale of the or part of the chances to arise on the tickets to be issued by the said act, intituled, An act for applying certain over-
 nies, and further sums to be raised, as well by way of loans, towards paying off and cancelling exchequer bills; and for lessening the present great charge in relation to bills; and for circulating and exchanging for ready money the use of the same bills for the future, not being possessed of such chances, or parts of chances are proposed to thereby erecting another lottery, or entering into an under-sembling a lottery, for their private benefit, on the foot of any so erected by parliament, to the great and manifest prejudice publick credit, and in open contempt of the said acts of parliament made against private lotteries: for the preventing and curing such pernicious practices, be it further enacted by authority aforesaid, That the same and all such kind of un-
 ges, shall be and are hereby declared to be within the intent and meaning of the several acts of parliament made against private lotteries; and the several person or persons, buying, subscribing, or taking subscriptions for the purchase of chances or lots, or part or parts of such chances or lots, or any one or more of the tickets made out, or to be made out, in pursuance of this or any other act or acts of parliament for a publick lottery, or of or on the number or numbers of any such ticket or tickets, without having such original tickets in his, her or their own custody and right, shall be liable to, and suffer the several pains, penalties and forfeitures provided by any former act or acts of parliament, upon such occasions be concerned in private lotteries; and further, That if at any time or times, after the twentieth day of March one thousand seven hundred and eighteen, any person or persons presume to sell, or take subscriptions for the sale or sales of any chance, lots or chances, or any part or parts of the same, or of or on any one or more tickets, or of or on the number or numbers of any ticket or tickets, or to be made out in pursuance of this or any other act or acts of parliament for a publick lottery, without having such ticket or tickets in his, her or their custody or right, such person or persons shall, for every lot or chance, or part of lot*

Clause for the more effectual suppressing private lotteries. 5 Geo. 1. c. 3.

or chance so sold or subscribed for, as aforesaid, forfeit and pay the sum of one hundred pounds, over and above any former penalties inflicted by any former act or acts of parliament made against private lotteries; the one moiety thereof to his Majesty, his heirs and successors, and the other moiety thereof to such person or persons as, in his, her or their own right, shall at the commencement of the drawing of such lottery or lotteries be possessed of the ticket or tickets on which such lot or chance, or part of lot or chance, shall be sold or subscribed for, as aforesaid, to be recovered by action of debt, or on the case, bill, suit or information, in any his Majesty's courts of record at Westminster, as aforesaid.

CAP. X.

An act for enlarging the time granted by two acts of parliament, for repairs of the piers of Bridlington alias Burlington, and for making the said acts more effectual.

1 Geo. 1. c. 49.
This act is
explained by
7 Geo. 1. stat.
1. c. 16. l. 16.
&c.

WHEREAS by an act passed in the first year of the reign of his present Majesty, intituled, An act to revive and continue an act of the eighth and ninth years of the reign of his late majesty King William, for repair of the piers of *Bridlington* alias *Burlington* in the east-riding of the county of *York*, it was enacted, That the said act of the eighth and ninth years of the reign of his late majesty King William the Third, and all the duties and sums of money thereby granted and made payable, and every clause, matter and thing therein contained, should from and after the twenty fourth day of June one thousand seven hundred and sixteen stand and be revived, continued and paid, for the term of fourteen years, videlicet, from the said twenty fourth day of June one thousand seven hundred and sixteen until the twenty fourth day of June one thousand seven hundred and thirty: and whereas for the greater security of such ships and vessels as shall, from time to time, come into the harbour of *Bridlington*, it is absolutely necessary, that both the said piers should be lengthened, and the whole south pier be speedily rebuilt (and most part thereof upon a new foundation) and that new jetties should be also built, and other necessary works made for the security thereof: be it enacted, &c.

The trustees in the recited act, and those herein named, may lengthen the north and south piers, build jetties, &c. The act 8 & 9 W. 3. c. 29. shall continue in force for 25 years, after June 24, 1730. The trustees in the recited act of 1 Geo. 1. stat. 1. c. 49. and those herein named, shall have power to raise and dispose of the duty granted by 8 & 9 W. 3. c. 29. Trustees dying, the survivors may elect others. Additional duties granted after June 24, 1719. To be raised, &c. as by the former acts. Persons, lands, &c. heretofore chargeable with building, &c. the said piers, &c. shall continue to be so after the said piers, &c. are lengthened, &c. Trustees may assign the duties, and grant the tolls, &c. for thirty-six years, as a security for money to be borrowed for the purposes of this act. If any person be sued, the action shall be laid in the county of *York*, and the defendant may plead the general issue, &c. and shall recover treble costs.

CAP.

C A P. XI.

An act against clandestine running of uncustomed goods, and for the more effectual preventing of frauds relating to the customs.

WHEREAS the laws already made for preventing the unlawful importing and clandestine running and landing of customable and prohibited goods and merchandizes, have by experience been found to be ineffectual to prevent such illegal practices, whereby his Majesty is greatly defrauded of and in his duties, and fair traders, who duly pay duties, are very much discouraged and injured in their trades: and whereas for the better carrying on such private and clandestine trade, divers small vessels, under the burthen of fifteen tons, are generally employed in the undue importing, running and landing foreign brandy, strong-waters and spirits, contrary to the laws already made and in force: for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by authority of the same, That if any foreign brandy, arrack, rum, strong waters or spirits of any kind whatsoever, shall from and after the five and twentieth day of *March* one thousand seven hundred and nineteen be imported or brought into *Great Britain*, or into any port, harbour, haven or creek thereof, in any ship, vessel or boat, under the burthen of fifteen tons (except only for the use of the seamen then belonging to and on board such ship, vessel or boat, not exceeding one gallon for each such seamen) every such ship, vessel or boat, with all her tackle, furniture and apparel, or the value thereof, shall be forfeited, and shall and may be seized by any officer or officers of the customs, and shall and may be proceeded against and recovered in the manner herein after mentioned; and after the seizure and condemnation of such ship, vessel or boat, the principal officers of his Majesty's customs in the port or place where the same shall be at the time of condemnation, are hereby directed to cause such ship, vessel or boat, to be entirely broke up, and the materials to be publickly sold to the best advantage, together with the tackle, furniture and apparel thereunto belonging, the produce whereof to be divided as herein after mentioned.

II. *And whereas rum is now imported in much greater proportions than formerly: and whereas the importing thereof in small casks or vessels is many times done with design that the same may more easily, privately, and clandestinely be carried off and conveyed without paying the duties: for remedy whereof, be it enacted by the authority aforesaid, That if after the twenty ninth day of September one thousand seven hundred and nineteen, any rum shall be imported or brought into Great Britain, or into any port, harbour, haven or creek thereof, in any cask or vessel, not containing twenty gallons at the least (excepting only for the use of the seamen then belonging to and on board such ship or vessel)*

Act, XIV.

D

After 25 March 1719, rum imported in casks under 20 gallons, forfeited. For the continuance of this clause, see 9 Geo. 1. c. 8. sect. 8. & 2 Geo. 2. c. 28. sect. 3. 2 Geo. 2. c. 35. Unless such rum were not

After 25 March 1719, any ship under 15 tons, such ship forfeited, &c.

Continued by 2 Geo. 2. c. 28. from May 1729, 10 Sept. 1734.

By 8 Geo. 2. c. 18. sect. 1. Ships, &c. of 40 tons or under, importing brandy, &c. are forfeited.

the use of the
master, &c.

vessel) all such rum, or the value thereof, shall be forfeited; nevertheless if it shall be made appear, to the satisfaction of the principal officers of the customs at the port of importation, that such rum so imported in small casks, was for the use of the master or seamen belonging to the ship or vessel in the voyage, or imported by merchants or traders, without fraud or concealment, that then and in every such case the said officers are hereby impowered and directed to admit such rum to an entry, and cause the duties thereof to be accepted, instead of the forfeiture thereof before-mentioned; any thing herein contained to the contrary notwithstanding.

After 25
March 1719,
foreign goods
taken in at
sea by any
collier, &c. to
be landed or
put on board
any other ves-
sel without
payment of
the duties,
forfeited.

For the conti-
nuance of this
clause, see
9 Geo. 1. c. 8.
sect. 8. &
2 Geo. 2. c. 28.
sect. 3.
and the matter
to forfeit treble
the value, un-
less in case of
necessity.

Goods not re-
ported, and
found after
clearing the
ship, forfeited.
For the conti-
nuance of this
clause, see
9 Geo. 1. c. 8.
sect. 8. &
2 Geo. 2. c. 28.
sect. 3.

20 Ann. c. 26.

III. And be it further enacted by the authority aforesaid, That in case any foreign goods, wares or merchandizes, shall after the five and twentieth day of *March* one thousand seven hundred and nineteen, by any collier, fisher-boat, or other coasting vessel or boat be taken in at sea, or out of any ship or vessel whatsoever, in order to be landed or put into any other ship, vessel or boat, within the limits of any port, without payment of the customs and other duties due and payable for the same, such goods, wares and merchandizes shall be forfeited, and the master of such collier, fisher-boat, or other coasting vessel or boat, shall forfeit treble the value of such goods, unless in case of necessity, which such master shall immediately give notice of, and make proof before the chief officers of the customs of the first port of this kingdom where he shall arrive; and the master, purser, or other person taking charge of the ship or vessel, out of which such goods shall be taken in at sea, unless in case of necessity, as aforesaid, shall forfeit treble the value of such goods so unshipt; one moiety of which forfeiture to be for the use of his Majesty, his heirs and successors, and the other moiety to him, her or them who will inform or sue for the same, and shall and may be recovered in like manner as is herein after mentioned.

IV. And whereas in ships from foreign parts, goods are often found at clearing such ships concealed in false bulk-heads between the linings and false knees, or in concealed lockers, in order to their being landed without payment of duties, so that 'tis almost impossible for officers of the customs to discover them without having some previous information: for prevention of which fraudulent practices, be it enacted by the authority aforesaid, That from and after the five and twentieth day of *March* one thousand seven hundred and nineteen, all goods not reported, and found after the clearing the ship by the proper officer or officers of the customs, shall be liable to forfeiture, and such goods shall and may be seized and prosecuted in the manner herein after mentioned; any law or custom to the contrary notwithstanding.

V. And whereas by an act made in the tenth year of the late Queen's reign, for laying additional duties on hides and skins, vellum and parchment, and new duties on starch, coffee, tea, drugs, and other things, certificates for the discharge of bonds given at the custom house upon the exportation of coffee or tea, that the sums shall not be retained in any part of Great Britain, are to be under the common

seal of the chief magistrate in such place or places in parts beyond the seas, or under the bands and seals of two known British merchants then being at such place or places, That such coffee, tea or drugs was there landed; which provision is found insufficient for the security of the revenue of customs against any secret relanding such coffee, tea or drugs, in some part of this kingdom: and in regard a better provision may be made with respect to such goods exported to Ireland, as is made in the case of tobacco, by an act made in the eighth year of her said late Majesty's reign; be it therefore enacted by the authority aforesaid, That from and after the first day of May one thousand seven hundred and nineteen, no such bond given for the exportation of coffee, tea, or other certificate goods exported to Ireland, shall be delivered up, or any drawback allowed for any goods entitled thereto, until a certificate shall be produced under the hands and seals of the collector, controller and surveyor of the customs of some port in Ireland, or any two of them, where such goods shall be landed, testifying the landing thereof; and for the future the condition of all such bonds, required by law to be given for the exportation of any of the said goods to Ireland, shall be, to produce such certificate in six months from the date thereof (the danger of the seas and enemies excepted;) and in case no such certificate shall be produced within the said time of six months, it shall and may be lawful for the commissioners of the customs in England or Scotland respectively to cause such bonds to be put in suit, unless they shall find sufficient cause to forbear the same; any law, custom or usage to the contrary notwithstanding.

VI. And whereas the remedies already provided by law, to prevent the relanding goods prohibited to be worn in this kingdom, and foreign goods shipped out for parts beyond the seas, have not been sufficient to put a stop to the fraudulent relanding such goods, to the prejudice of the revenue and the fair traders; be it therefore enacted by the authority aforesaid, That from and after the five and twentieth day of March one thousand seven hundred and nineteen, if any such goods shall be unshipped, or put on shore (unless in case of distress to save the ship from perishing, or in the presence of an officer of the customs) the said goods shall be forfeited; and if the master, purser, or other person, taking care of any ship wherein the said goods shall be laden, shall suffer or permit any of the said goods to be landed or unshipped (unless as aforesaid) the said master, purser, or other person, taking care of such ship, shall forfeit the value of such goods so unshipped or landed; and the person or persons to whose hands or possession the said goods shall come, after the unshipping or landing thereof, he or they knowing the same to be so unshipped, shall forfeit double the value of the said goods, unless he or they shall make discovery thereof to the principal officers of the customs in six days after the said goods shall so come to his or their hands; provided the said goods shall not have been seized by, or information given thereof to any officer of the customs before such discovery.

Penalty on master, &c. permitting the package of such goods to be opened on board, without leave.

For the continuance of this clause, see 9 Geo. 1. c. 8. f. 8. & 2 Geo. 2. c. 28. f. 3.

Ships of 50 tons, or under, hovering on the coasts, officers may enter and take an account of the lading, and demand security in treble the value of the goods.

For the continuance of this clause, see 9 Geo. 1. c. 8. f. 8. & 2 Geo. 2. c. 28. f. 3.

Master, &c. refusing to enter into bond.

VII. *And whereas the persons concerned in carrying on the said fraudulent practices do frequently cause the package of such goods to be opened on board the ship, during the time she continues in port, whereby they have a better opportunity to reland the said goods: for the prevention whereof, be it further enacted by the authority aforesaid, That if the package of any such goods shall, with the privacy or consent of the master, purser, or other persons taking care of such ship or vessel, be opened on board any ship or vessel, or put into other form or package, during the time the said ship or vessel remains in port, without leave of one or more of the principal officers of the port, the said master, purser, or other person, taking care of such ship or vessel, shall forfeit one hundred pounds; and if the said master, purser, or other person, taking care of such ship or vessel, shall permit or suffer any of the said goods to be unshipped or landed, or the package of any such goods to be opened, or put into any other form, without leave, as aforesaid, then such master, purser, or other person shall also suffer six months imprisonment, without bail or mainprize.*

VIII. *And whereas divers ships and vessels of the burthen of fifty tons, or under, laden with coffee, tea, cocoa-nuts, French wrought silks, East India goods prohibited to be worn in this kingdom, pepper, and other spices, brandy, spirits, and other customable and prohibited goods, pretending to be bound for foreign parts, do frequently lie hovering on the coasts of this kingdom, with intention to run the same privately on shore as opportunity offers, to the great diminution and loss of the revenue, and ruin of fair traders; and by reason of the said vessels so hovering, frequent opportunities are found for carrying on the clandestine trade of exporting wool, and other staple commodities of this kingdom prohibited to be transported: for the better preventing whereof, be it declared and enacted by the authority aforesaid, That from and after the five and twentieth day of March one thousand seven hundred and nineteen, where any ship or vessel of the burthen of fifty tons, or under, laden with customable or prohibited goods, shall be found hovering on the coasts of this kingdom, within the limits of any port, and not proceeding on her voyage for foreign parts, or to some other port of this kingdom, wind and weather permitting, it shall and may be lawful to and for any officer or officers of his Majesty's customs to go on board every such ship or vessel, and to take an account of the lading, and to demand and take security from the master or other person having or taking the charge or command of such ship or vessel in that voyage, by his own bond by him to be entred into unto his Majesty, his heirs and successors, in such sum or sums of money as shall be treble the value of such foreign goods then on board, with condition, That such ship or vessel (as soon as wind and weather, and the state and condition of such ship or vessel doth permit) shall and will proceed regularly on such voyage, and shall land such foreign goods in and at some foreign port or ports; and if such master or other person having or taking the charge or command of such ship or vessel,*

shall upon such demand refuse to enter into such bond, and if entered into such bond, shall not depart or proceed upon such voyage (as soon as wind, weather, and the condition of such ship or vessel shall permit) unless he is suffered to make a longer stay by the collector (or principal officer in his absence, of such port where such vessel shall be, not exceeding twenty days) then and in the said cases, all the foreign goods so on board such vessel, shall and may, by any officer or officers of the said port, by direction of the collector or other principal officer, be taken out of and from such ship or vessel, and when brought on shore and secured; and in case the said goods are customable, the customs and other duties shall be paid the same; and as concerning wool or any prohibited goods, and goods liable to forfeiture, which may be found on board ships or vessels at the time of their unloading, as aforesaid, they are hereby declared to be subject to forfeiture, and the officers of the customs shall and may prosecute the same, as also the owner or vessel, in case she shall be liable to condemnation, as in the manner herein after mentioned.

The foreign goods may be taken out of the ship, and secured, and custom paid.

And wool or prohibited goods forfeited.

Provided always, That after such goods are so taken out of such ship or vessel, and brought on shore and secured by such officers, such bonds so to be given, as aforesaid, shall be delivered up without any fee or reward for taking up the same; and such bond not being otherwise discharged, shall on a proper certificate returned under the command of the chief magistrate in any place or places beyond the seas, or under the hands and seals of two known British merchants upon the place that such goods were there landed, or attested by credible persons, that such goods were taken by such ship or vessel, or perished in the seas (the examination and proof being left to the judgment of the commissioners of the customs) shall be vacated and discharged.

Such goods brought on shore, bond to be delivered up.

How bonds not otherwise discharged, shall be vacated.

And whereas altering the package of coffee for exportation hath been found to be prejudicial to his Majesty's customs: be it therefore enacted by the authority aforesaid, That from and after the five and twentieth day of March one thousand seven hundred and twenty two, no coffee shall be exported but such only as shall be contained in the original bale or package, or in some bale or package containing the same quantity therein, or in some bale or package containing not less than four hundred weight, and marked with the same marks and numbers thereon with which it was first entered into his Majesty's custom-house; excepting only such coffee as shall be exported to his Majesty's plantations or Ireland. Provided, and be it further enacted, That so much of this act as relates to the importation of foreign brandy, arrack, and strong-waters or spirits, in any ship, vessel or boat, under penalty of fifteen ton; and so much of this act as relates to the exportation of foreign goods, wares and merchandizes, as shall be taken out of any ship or vessel, in order to be landed or exported by any other ship, vessel or boat; and so much of this act

Coffee to be exported in the original bale, or in some bale containing the same quantity, or not less than 400 lb. &c.

For the continuance of this clause, see 9 Geo. 1. c. 9. f. 8. & 2 Geo. 2. c. 28. f. 3. Continuation of the several parts of this act.

Further continued by 20 Geo. 2. c. 47.

as relates to goods not reported, and found after clearing ships; and so much of this act as provides further remedies against re-landing goods prohibited to be worn in this kingdom, and foreign goods shipped out for parts beyond the seas; and so much of this act as relates to the opening or altering the package of goods on board ships outward bound; and so much of this act as relates to hovering ships or vessels of the burthen of fifty tons, or under; and so much of this act as concerns the bales or package in which coffee shall be exported; shall continue and be in force for three years, from the five and twentieth day of *March* one thousand seven hundred and nineteen, and from thence to the end of the then next session of parliament, and no longer: and so much of this act as relates to rum imported in casks or vessels not containing twenty gallons at the least, shall continue and be in force from the nine and twentieth day of *September* one thousand seven hundred and nineteen, for three years, and from thence to the end of the then next session of parliament, and no longer; and so much of this act as relates to certificate goods entred in order to be exported for *Ireland*, shall continue and be in force for three years from the first day of *May* one thousand seven hundred and nineteen, and from thence to the end of the then next session of parliament, and no longer.

XII. *And whereas great quantities of wrought silks, bengals, and stuffs mixed with silk and herba, as also mustins, and other calicoes, of the manufacture of Persia, China, or East-India, are, notwithstanding the laws already made to the contrary, frequently imported from foreign parts, and landed in Ireland, to the prejudice of fair traders: for the better preventing the same for the future, be it declared and enacted by the authority aforesaid, That none of the before mentioned goods shall, from and after the first day of May one thousand seven hundred and nineteen, be imported into the said kingdom of Ireland, from any place or places whatsoever, contrary to the true intent and meaning of this and the former acts (other than from Great Britain) under the penalty and forfeiture of all such of the aforesaid goods so imported, or the value thereof, as also of the ship or vessel importing the same, with all her guns, furniture, ammunition, tackle and apparel; one moiety to his Majesty, his heirs and successors, and the other moiety to him or them that shall seize, inform or sue for the same, in any of his Majesty's courts of record in Dublin, in the said kingdom of Ireland; and if any officer or officers of the customs in Ireland shall willingly or knowingly connive at the fraudulent importation of any of the goods afore-mentioned, contrary to the true meaning hereof, or if any such officer or officers shall take upon him or them to seize any of the said goods, and shall by fraud or collusion desist or delay the prosecution thereof to condemnation, he or they so conniving, desisting or delaying, shall forfeit and lose the sum of five hundred pounds, to be sued for and divided in the manner aforesaid; and such officer or officers shall also be incapable of holding any office*

After 1 May
1719. no East-
India goods to
be imported
into Ireland
from foreign
parts.
Penalty.

Penalty on of-
ficer conniv-
ing, &c.

rice or employment under his Majesty, his heirs and successors.

XIII. *And whereas an act was made in the twelfth year of the late Queen, intituled, An act for the preserving all such ships and goods thereof, which shall happen to be forced on shore or stranded upon the coasts of this kingdom, or any other of her Majesty's dominions; wherein is recited (among other things) That many ships of trade, after all their dangers at sea escaped, have unfortunately near home run on shore or been stranded on the coasts thereof, and been barbarously plundered by his Majesty's subjects, and their cargoes imbezilled; and when any part has been saved, it has been swallowed up by the exorbitant demands for salvage, to the great loss of his Majesty's revenue and damage of his Majesty's trading subjects; and therefore it is by the said act (among other things) enacted, That such ships, vessels or goods so to be saved, as therein is mentioned, shall remain in the custody of the officer of the customs or his deputy for the purposes of the said act; and if such goods shall not be legally claimed by the rightful owner within the time therein limited, that then publick sale shall be made thereof (and of any perishable goods therein contained) and after all charges deducted, the residue of the monies arising by such sale, with a fair and just account of the whole, shall be transmitted to his Majesty's exchequer, there to remain for the benefit of the owner; which act was made perpetual by another act of the fourth year of his Majesty's reign made in that behalf: and whereas from the want of express words whereby to subject stranded goods so seized to the payment of customs and other duties, a doubt has arisen, whether such goods are liable to pay the same, to the great loss of his Majesty's revenue and contrary to the true intent and meaning of the said acts: be it therefore enacted and declared by the authority aforesaid, That all goods, wares and merchandizes, which from and after the five and twentieth day of March one thousand seven hundred and nineteen shall be saved out of any ship or vessel that shall happen to be forced on shore or stranded upon the coasts of this kingdom (not being wrecked goods, or Fetbam, Flatbam or Lagani) shall, after charges of salvage and other charges paid as aforesaid, be subject and liable to the payments of the like customs and other duties, with such drawbacks upon exportation, and the like allowances, and abatements, as such goods, wares or merchandizes would, by any law or laws now in force, be liable unto and entitled to have, in case the same were regularly imported; any thing in the aforesaid acts or any other act to the contrary notwithstanding.*

Goods saved out of any stranded ship, after salvage and charges paid, liable to customs, &c.

XIV. *And whereas in the preamble of the act made in the first year of King William and Queen Mary, for the better preventing the exportation of wool and encouraging the woollen manufactures of this kingdom, wool, wool-fells, murrings, shortlings, yarn made of wool, wool-flocks, fuller's-earth, fulling-clay and tobacco-pipe-clay, are enumerated; but in the enacting part thereof, which relates to the carrying wool coastwise, wool only is mentioned, and the other enumerated goods left out, whereby frequent opportunities are given for the exportation of them, contrary to the true intent and meaning of the said act: it*

1 W. & M. Seff. 1. c. 32.

Provisions for preventing the exportation of wool, to extend to wool-fells, mort-lings, &c.

is therefore hereby enacted by the authority aforesaid, That from and after the five and twentieth day of *March* one thousand seven hundred and nineteen the like provision made for preventing the exportation of wool in and by the act before-mentioned, is hereby directed and appointed to extend to wool-fells, mort-lings, shortlings, yarn made of wool, wool-flocks, fullers-earth, fulling-clay and tobacco-pipe-clay aforesaid, carried coastwise; any thing in the said act or in any other act to the contrary notwithstanding.

After 1 May 1719, painted silks, calicoes, &c. unmarked, forfeited.

Penalty on possessor.

3 & 4 Ann. c. 10.

XV. *And whereas great quantities of silks, calicoes, linens or stuffs, printed, painted, stained or died, in Great Britain, are exposed to sale without having a mark or stamp to denote the payment of the duties: and whereas such as have been so marked or stamped are frequently shipped off in order to be exported into parts beyond the seas, whereby the person or persons exporting the said goods are entitled to a great drawback; and it hath been found by experience, that great quantities of such goods, after they have been shipped for exportation, have been privately reloaded in this realm; and the remedies already provided by law have not been sufficient to obviate a practice so prejudicial to his Majesty and all fair and honest traders in such goods:* be it enacted by the authority aforesaid, That from and after the first day of *May* one thousand seven hundred and nineteen, during the continuance of the said duties, in case any silks, calicoes, linens or stuffs, printed, painted, stained or died, in *Great Britain*, shall be found in any place whatsoever, on land or water, without being marked or sealed with a stamp or seal, denoting, That the duties have been duly paid or charged (except on board such ships or vessels on which such goods have been shipped for exportation) the same shall be forfeited, and shall and may be seized by any officer of the customs or exchequer; and the person or persons in whose custody or possession the goods so seized shall be found, shall for every such offence forfeit the sum of fifty pounds; one moiety of which forfeitures and penalties shall be to his Majesty, his heirs and successors, and the other moiety to him or them that shall seize, inform or sue for the same in his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, wherein no protection or wager of law shall be allowed: provided always, That the goods so recovered shall not be delivered out of the custom-house warehouse, until the same shall be marked or sealed with a proper mark or stamp, to be provided by the commissioners of the customs for that purpose: and they are hereby directed and authorized to provide the same, and to cause the said goods to be stamped therewith accordingly; any law to the contrary notwithstanding.

XVI. *And whereas in and by an act made in the third and fourth years of her late Majesty's reign, intituled, An act for encouraging the importation of naval stores from her Majesty's plantations in America, it was amongst other things declared and enacted, That every person or persons who should import or cause to be imported tar or pitch into this kingdom, directly from any of his Majesty's plantations*

in America, within the time therein mentioned, he or they so importing the same should have and enjoy a reward or premium of four pounds for every ton containing eight (a) barrels, and each barrel gauging (a) Eighty in thirty one gallons and one half of good and merchantable tar; and the like reward or premium for every ton of good and merchantable pitch, each ton containing twenty gross hundreds (nett pitch) to be brought in eight barrels; and by another act made in the twelfth year of the reign of her said late Majesty, intituled, An act for continuing an act made in the third and fourth years of the reign of her present Majesty, intituled, An act for encouraging the importation of naval stores from her Majesty's plantations in America; and for the encouraging the importation of naval stores from that part of Great Britain called Scotland to that part of Great Britain called England, the first-mentioned act, and every part thereof, is continued from the time of the expiration of the same for and during the term of eleven years, and from thence to the end of the next session of parliament: and it is thereby enacted, That the like rewards or premiums shall be allowed on the importation of good and merchantable tar and pitch from North-Britain into any part of South-Britain, in such manner as is therein mentioned: and whereas complaints have been made by the commissioners or principal officers of his Majesty's navy, that tar brought from the said plantations is frequently mixed with dross or water, and that dirt or dross is often found in the pitch, whereby the same are unfit for the service of his Majesty's navy: be it therefore declared and enacted by the authority aforesaid, That from and after the twenty ninth day of September one thousand seven hundred and ninety no certificate shall be made out in order to allow the premium or reward for any such pitch, until the same be freed from dirt or dross, or for any such tar that is not fitting to be used for making cordage, and that shall not be freed from dross and water, and unless such pitch and tar be clean, good, merchantable and well-conditioned.

XVII. And whereas by the said last-mentioned acts the person or persons importing such pitch and tar are entitled to the said premium or reward, upon a certificate from the officers of the customs where such pitch and tar is imported: and whereas the said officers have not sufficient authority by the said acts to examine the said pitch and tar so strictly as they ought to do, to enable them in judgment to certify whether the same is good and merchantable: be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the officers of the customs, before they make any such certificate, to examine the said pitch by opening the heads of the barrels wherein it is imported, sawing of the staves in the middle and breaking the barrel, or so many of them as they find sufficient to make a proof, or by such other means as they shall think proper, to find out and discover whether the said pitch is good and merchantable, not mixed with dirt or dross; and also to search the said tar, to find out and discover whether the same is clean, good, merchantable, well-conditioned and clear of dross or water, and fit for making cordage.

(a) Eighty in the record.

12 Ann. stat. 2. c. 9.

After 29 Sept. 1719, no certificate to be made out for pitch or tar till freed from dross, &c.

Officers of the customs, before they make such certificate, to examine the pitch and tar. For the continuance of this and the following session, see 2 Geo. 2. c. 35. sect. 13.

No fee for examining, &c.

Penalty on officer.

Act 22 & 23
Car. 2. c. 26.
to have continuance during such time as the act of tonnage and poundage.
11 & 12 W. 3.
c. 13.

12 Car. 2. c. 4.

XVIII. And he it further enacted by the authority aforesaid, That no fee, gratuity or reward shall be demanded, taken or received by any officers of the customs for the examining, viewing or delivering such pitch, tar or other naval stores, with respect to the premium or reward allowed by the acts aforesaid, or for the making or signing a certificate in order to the receiving such premium or reward, under the penalty of the loss of his office; and such officer shall be also incapable of serving his Majesty, his heirs and successors, and shall forfeit the sum of one hundred pounds to such person or persons as will inform and sue for the same, by action of debt or of the case, bill, suit or information in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, wager of law or more than one imparlance shall be granted or allowed.

XIX. *And whereas an act made in the twenty-second year of the reign of King Charles the Second, intituled, An act to prevent the planting of tobacco in England, and regulating the plantation-trade, was by several subsequent acts continued, and by an act made in the eleventh year of the reign of King William the Third, was to have continuance for the space of seven years from the twenty ninth day of September one thousand seven hundred, and from thence to the end of the then next session of parliament, which act has been by experience found beneficial to the trade of this kingdom and the dominions and plantations thereto belonging: but some doubt hath arisen, whether the same hath had continuance by the acts for continuing the acts of tonnage and poundage: for obviating which doubt, be it hereby declared and enacted by the authority aforesaid, That the said act of the twenty second year of the reign of King Charles the Second, and every clause therein contained, hath and shall have continuance for and during such time as the act of tonnage and poundage, made in the twelfth year of the reign of the said King Charles the Second, is continued and no longer.*

XX. *And whereas the governor and company of merchants of Great Britain trading to the South-Seas and other parts of America and for encouraging the fishery did provide and ship on board their annual ship, The Royal George, John Davison, commander, for the Spanish West-Indies, a valuable cargo of goods pursuant to the assiento treaty and the late convention between their Britannick and Catholick Majesties; which ship could not proceed on her intended voyage by reason of the King of Spain's suspending her departure and not granting the necessary dispatches: and whereas the said governor and company (in order to make the said cargo assortable) were obliged to import and buy several goods from foreign parts, the customs and duties payable thereon at importation being paid; which foreign goods were entered and shipped out at the custom-house on board their said ship in time, by which they are entitled to a drawback payable out of his Majesty's customs, on the exportation of the said goods; but the said ship being hindered from proceeding on her intended voyage as aforesaid, and it being absolutely necessary, for the preservation of the said ship and cargo, that all the goods now on board should be reloaded: be it enacted by the authority aforesaid, That it shall and may be law-
ful*

ful to and for the said governor and company of merchants of Great Britain trading to the South-Seas and other parts of America, and for encouraging the fishery, to reland or cause to be relanded, in the presence of the proper officer or officers of the customs, the said foreign goods so shipped as aforesaid; and such goods so relanded are to be put into a proper warehouse or warehouses (to be provided by and at the charge of the said company) and there kept under the King's and the company's locks, the company or their servants or agents having free access to the said warehouse or warehouses at all reasonable times; and the said officers are hereby directed to give their attendance at such times, when required; and for securing to the said governor and company the benefit of the drawback on the said foreign goods, notwithstanding their relanding the same, the proper officers of his Majesty's customs are hereby directed and empowered (on the said governor and company's reshipping and exporting the said foreign goods on the same or any other ship or ships) to make out a debenture or debentures for allowing and paying to the said governor and company the same drawback they would have been entitled unto, in case their said ship, *The Royal George*, had proceeded on her said intended voyage and the said foreign goods had not been relanded; any law, custom or usage to the contrary in any wise notwithstanding.

XXI. *And whereas by an act of parliament made in the tenth year of the reign of his late majesty King William the Third, intituled, An act to prevent the exportation of wool out of the kingdoms of Ireland and England into foreign parts, and for the encouragement of the woollen manufactures in the kingdom of England, it was enacted, That no person or persons whatsoever, from and after the four and twentieth day of June in the year of our Lord one thousand six hundred ninety nine, should directly or indirectly export, transport, ship off, carry or convey, or cause or procure to be exported, transported, shipped off, carried or conveyed out of or from the said kingdom of Ireland into any foreign realm, state or dominions, or into any parts or places whatsoever, other than the parts within the kingdom of England or the dominion of Wales, any the wool, wool-fells, shortlings, mortlings, wool-flocks, worsted, bay or woollen yarn, cloth, serge, bays, kerseys, says, frizes, druggets, cloth-ferges, shalloons, or any other drapery stuffs or woollen manufactures whatsoever, made up or mixt with wool or wool-flocks, or should directly or indirectly load or cause to be laden upon any horse, cart or other carriage, or load or lay on board or cause to be laden or laid on board in any ship or vessel in any place or part within or belonging to the said kingdom of Ireland, any such wool or other the matters aforesaid, to the intent or purpose to export, transport, ship off, carry or convey the same, or cause the same to be exported, transported, shipped off, carried or conveyed out of the said kingdom of Ireland, or out of any port or place belonging to the same, or with intent or purpose that any person or persons whatsoever should so export, transport, ship off, carry or convey the same out of the said kingdom of Ireland into any ports or places (except as aforesaid) upon pain of*

South-sea company may reland and put into warehouses the foreign goods in the Royal George,

and on reshipping entitled to a drawback.

Recital of 10 & 11 W. 3. c. 10.

set-

forfeiting the said wool and other matters aforesaid so exported, transported, shipped off or carried, conveyed or laden contrary to the true intent and meaning of that act, and under other the penalties therein mentioned: and whereas it is further enacted by the said act, That it should and might be lawful to and for any person or persons to seize, take, secure and convey to his Majesty's next warehouse all such wool and other the matters aforesaid, as he or they should happen to see, find, know or discover to be laid on board in any ship, vessel or boat, or to be brought, carried or laid on shore at or near the sea or any navigable river or water, to the intent or purpose to be exported or conveyed out of the said kingdom of Ireland contrary to the true meaning of that act; and that such person or persons who should happen so to seize, take or secure any of the commodities aforesaid, should be indemnified for so doing to all intents and purposes: but it is not provided by the said act, That the said wool and other the commodities aforesaid, which should be brought, carried or laid on shore at or near the sea or any navigable river or water, to the intent or purpose to be exported or conveyed out of the said kingdom of Ireland contrary to the meaning of that act, should be forfeited: for remedy whereof, be it enacted by the authority aforesaid, That from and after the four and twentieth day of June in the year of our Lord one thousand seven hundred and nineteen all such wool and other the commodities aforesaid, which shall be brought, carried or laid on shore at or near the sea or any navigable river or water, to the intent or purpose to be exported or conveyed out of the said kingdom of Ireland contrary to the true meaning of that act, shall be forfeited, and the offender and offenders therein shall be subject and liable to the like forfeitures, pains and penalties, as persons by that act are subject unto for exporting, transporting or shipping of wool or other the commodities aforesaid, contrary to the true intent and meaning of that act; and that such forfeitures, pains and penalties shall be recovered and distributed as other the pains, penalties and forfeitures in that act are by any law now in force to be recovered and distributed.

After 24 June 1719, wool laid on shore near the sea to be conveyed out of Ireland into foreign parts, forfeited.

1 Geo. I. stat. 2. c. 46.

XXII. And whereas an act passed in the first year of the reign of his present Majesty, intituled, An act to prevent the mischiefs by manufacturing leaves or other things to resemble tobacco, and the abuses in making and mixing of snuff; and whereas the provisions made by the said act, so far as relates to snuff, have proved ineffectual by reason of some doubts which have arisen, whether the powers granted by the said act to prevent the mischiefs by manufacturing leaves or other things to resemble tobacco can be extended to such persons which shall commit abuses in making and mixing of snuff: be it therefore enacted by the authority aforesaid, That the said recited act made in the first year of the reign of his present Majesty, and all the clauses, rules, directions, powers, matters and things therein contained, shall extend and be in full force against any person or persons who shall, after the five and twentieth day of March one thousand seven hundred and nineteen, make, mix or colour, or shall cause to be made, mixed or coloured, any sort

All the clauses in the act 1 Geo. I. relating to snuff, to extend to makers, venders or other co-

snuff with any sort of oakers, umber or any other kind of ^{louring, fu-} g (except water tinged with *Venetian* red only) or shall ^{stick, &c.} cause to be mixed with any sort of snuff, fustick or yel- ^{mixt with} ny, touchwood or any other sort of wood, or any dirt, ^{snuff.} small tobacco sifted from tobacco, commonly called or by the name of tobacco-dust, as if the said recited act, the clauses, rules, directions, matters and things there-
 ain, had been re-enacted in the body of this present
 act the offender or offenders in making, mixing and co-
 of snuff as aforesaid; any law, statute, matter or thing
 contrary notwithstanding.

II. *And whereas divers evil-disposed persons have at the time, after the roasting of coffee, made use of water, greafe, but-
 such like materials, whereby the same is rendered unwholsome,
 dy increased in weight, to the prejudice of his Majesty's re-
 be health of his subjects, and to the loss of all honest and
 lers in that commodity: for the prevention whereof, be it
 by the authority aforesaid, That from and after the five
 nieth day of March one thousand seven hundred and
 1, if any person or persons whatsoever shall, at the roast-
 y coffee, or before or at any time afterwards, make use of
 greafe, butter, or any other material whatsoever, which
 rease the weight, or damnify and prejudice the said coffee
 odnets, he, she or they shall forfeit the sum of twenty
 for every such offence; and if any trader or dealer in
 hall knowingly buy or sell any such coffee, he, she or
 ll forfeit the sum of twenty pounds for every such offence,
 iety whereof to his Majesty, and the other moiety to him
 1 who will sue for the same.*

Roasters of
 coffee making
 use of water,
 greafe, butter,
 &c. to forfeit
 20 l.

The same pe-
 nalty on trad-
 ers in coffee.

V. *And whereas by reason of the great duties which are pay-
 several foreign goods and merchandizes, fraudulent practices
 binations may be carried on between the importers and own-
 uch goods, by themselves or their agents, and the officers of
 nue, in pursuance whereof such goods are seized, and after
 ation on payment of the King's share of the value at which
 e shall be appraised (which value is very often less than the
 such goods are returned to the importers and owners, or
 ents, upon their giving a moderate gratification to the officer,
 g to the agreement made, whereby his Majesty may be great-
 ided of his duties: for prevention whereof, be it enacted
 uthority aforesaid, That if any officer of the revenue
 ectly or indirectly make any collusive seizure of foreign
 to the intent that the same may escape payment of the
 e shall not only forfeit the sum of five hundred pounds,
 ncapable of serving his Majesty in any office or employ-
 the revenue; as also the importer and owner of the goods
 ffully seized, shall forfeit treble the value thereof; one
 of which penalties and forfeitures shall be to his Maje-
 theirs and successors, and the other moiety to him or
 ho shall inform or sue for the same by action of debt, bill,
 r information in any of his Majesty's courts of record at*

Penalty on of-
 ficer making
 collusive sei-
 zure.
 Farther provi-
 sions relating
 hereto 12 Geo.
 1. c. 28. sect. 1.

West-

Westminster, or in the court of exchequer in *Scotland*, wherein no essoin, protection or wager of law, or any more than one imparlance shall be allowed.

Officer or importer discovering his accomplices in two months, acquitted.

XXV. Provided nevertheless, That if the officer or importer and owner of the goods shall discover such his offence to the commissioners of the customs in *England* or *Scotland* respectively, within two months after the same shall have been committed, so as his accomplice or accomplices in such collusive seizure be convicted thereof, the offender so discovering shall be clearly acquitted and discharged of such his offence.

Reward for any other discovering in three months.

XXVI. And be it further enacted by the authority aforesaid, That if any person, other than the officer of the revenue making such collusive seizure, or the importer and owner of the goods so seized, shall within three months after such seizure, discover to the commissioners of the customs in *England* or *Scotland* respectively, any person or persons who shall have been guilty of such fraud, so as such person or persons be convicted thereof, the person so discovering shall receive to his own use one half part of his Majesty's share of what shall be recovered on the conviction of such offender or offenders.

Distribution of forfeitures.

XXVII. And be it further enacted by the authority aforesaid, That in all cases, touching which no special distribution is provided by this act, one moiety of the several penalties and forfeitures in this act mentioned shall be to the use of his Majesty, his heirs and successors, and the other moiety to such person or persons as shall sue for and prosecute the same by bill, plaint or information in any of his Majesty's courts of record at *Westminster* or in the court of exchequer in *Scotland*, (except where it is in this act otherwise directed) wherein no essoin, protection or wager of law shall be allowed.

CAP. XII.

An act for making more effectual the several acts past for repairing and amending the highways of this kingdom.

WHEREAS divers acts of parliament have been made for the better repairing and amending the highways within this kingdom, and for the preventing carriers and waggoners from carrying excessive burdens, which have hitherto proved wholly ineffectual, and the great roads have from time to time become more ruinous, (notwithstanding the expence travellers are put to at the several turnpikes) to the great decay of the trade and commerce of this realm: for remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the

After June 14, 1719, no waggon travelling for hire shall be drawn with more than six horses, nor cart with more

four and twentieth day of June in the year of our Lord one thousand seven hundred and nineteen no waggon travelling for hire shall go or be drawn with more than six horses, either at length, or in pairs or sideways; and that from and after the said four and twentieth day of June no cart travelling for hire shall go or be drawn with more than three horses, under the pains, penal-

penalties and forfeitures herein after-mentioned, (that is to say) than three, on
 That if any travelling waggon for hire shall, from and after the penalty of for-
 said four and twentieth day of *June*, go or be drawn with more feizing to the
 than six horses, that the owner or driver of such waggon for hire feizer all the
 shall forfeit and lose all the horses above six in a waggon, with horses above
 all geers, bridles, halters and accoutrements, to the sole use and that number,
 benefit of any person or persons who shall seize or distrain the with all geers,
 same; and if any cart travelling or carrying for hire shall, at bridles, &c.
 any time from and after the said four and twentieth day of *June*, Altered 16Geo.
 go, travel or be drawn with more than three horses, that 2. c. 29.
 the owner or driver of such cart so travelling for hire shall forfeit 26Geo.2.c.30.
 and lose all the horses above three, with all geers, bridles, hal-
 ters and accoutrements, to the sole use and benefit of any per-
 son or persons who shall seize or distrain the same.

II. Provided also, and it is hereby enacted and declared, That Persons seiz-
 whatever person or persons shall make any seizure or distress for ing shall deli-
 any of the penalties hereby incurred, such person or persons ver the horses,
 shall deliver the horse or horses, or other things so seized or &c. to the
 distrained, into the custody of the constable or some other pa- next con-
 rish-officer of the same, next or adjacent town or parish where stable, &c.
 such distress or seizure is made, (who are hereby required to re-
 ceive into their custody and safely to keep the same) till the per-
 son or persons who made such distress or seizure, shall make
 proof upon oath before some justice of the peace of the offence and make
 committed; and the said justice or justices, before whom such proof of the
 proof is made, are hereby required to issue their precept to such offence before
 constable or parish-officer, immediately to deliver the horse or a justice, who
 horses, or other things so forfeited, to the party or parties who shall issue a
 seized or distrained the same, to and for their sole use and precept to the
 benefit, paying such reasonable charge for keeping and securing constable, &c.
 such other things, as the said justice or justices shall allow and to deliver the
 direct. horses, &c. to
 the feizer.

III. *And whereas one other great decay of the publick highways or roads of the kingdom is greatly occasioned by the very narrow streaks or tire of late used for binding the wheels of travelling waggons for hire, and setting on the same with rose-headed nails:* for preventing
 Of which, be it enacted, That from and after the nine and twen- After Sept. 29,
 tieth day of *September* one thousand seven hundred and nineteen, 1719. no such
 no such travelling waggon for hire, having the wheels bound waggon hav-
 with streaks or tire of a less breadth than two inches and a half, ing the wheels
 when worn, or being set or fastned on with rose-headed nails, bound with
 shall go or be drawn with more than three horses, every such tire of less
 owner or driver of any such waggon, being so bound with breadth, when
 or streaks of a less breadth than two inches and a half, worn, than
 worn, or if of a greater breadth, such tire or streak shall be fast- two inches
 ned on with rose-headed nails, shall forfeit and lose all such and half, or
 horses above the number of three, with all geers, bridles, hal- set on with
 ters and accoutrements, to be seized, distrained and applied, in rose-headed
 the same manner, and to and for the same uses, as the other nails, shall go
 forfeitures and penalties in this act are applied to and disposed with more
 of. than three
 horses, on for-
 feiture as a-
 bove.

IV. And

Persons hinder-
ing, &c.
such seizure,
&c. shall be
imprisoned
for three
months, with-
out bail,

and forfeit
20 l.

This act shall
not extend to
waggons, &c.
employed, in
husbandry,
&c.

See 14 Geo. 2.
c. 42. 15 Geo.
2. c. 2.

Persons sued
may plead the
general issue,
&c.

and shall reco-
ver their full
costs.

IV. And be it further enacted by the authority aforesaid, That if any person or persons shall or do hinder, or with force, or otherwise, attempt or endeavour to hinder or obstruct the seizing, distraining, taking or carrying away of any seizure or distress, or matter or thing seized or distrained for any the penalties or forfeitures incurred, or to be incurred or forfeited by virtue of this act, or shall rescue the same, or shall use any violence to the person or persons concerned in making such seizure or distress, each and every such person or persons shall, upon due proof made upon oath, by one or more credible witness or witnesses, before one or more justice or justices of the peace for the county wherein such offence is done, be committed by such justice or justices to the common gaol for the said county for three months, there to remain without bail or mainprize; and shall also lose and forfeit for every such offence the sum of ten pounds, to be levied and recovered by distress and sale of the offender's goods and chattels, by virtue of a warrant under the hand and seal of such justice and justices (who is and are hereby authorized and required to grant the same;) and in case the said penalty be not paid within three days after such distress made, then it shall and may be lawful to and for the person or persons so distraining, as aforesaid, to sell the goods and chattels so distrained, rendering the overplus to the owner or owners, the charge of such distraining and selling being first deducted.

V. Provided always, That nothing in this act contained shall extend, or be construed to extend to such waggons, wains, carts or carriages, as are or shall be employed in or about husbandry, or manuring of land, and in the carrying of cheese, butter, hay, straw, corn unthreshed, coals, chalk, or any one tree or piece of timber, or any one stone or block of marble, carravans, and the covered carriages of noblemen and gentlemen for their own private use, or such timber, ammunition or artillery, as shall be for the service of his Majesty, his heirs and successors.

VI. And be it further enacted by the authority aforesaid, That if any action or actions shall, at any time or times hereafter, be prosecuted or brought against any person or persons whatsoever, for any matter or thing which he, she or they shall do, or cause to be done, by virtue or in the execution of this act, that in such case the defendant or defendants in every such action or actions, shall and may plead the general issue, and give this act and the special matter in evidence on any trial or trials to be hereafter had in such action or actions; and that if the plaintiff or plaintiffs in any such action or actions shall discontinue such action or actions, or become nonsuit, or that judgment shall be given against him, her or them in such action or actions, that then the defendant or defendants in every such action or actions shall recover his, her or their full costs of suit; any law, custom or usage, or any thing in this act contained to the contrary notwithstanding.

CAP XIII.

an act for the amendment of writs of error; and for the further preventing the arresting or reversing of judgments after verdict.

THEREAS great delay of justice hath of late years been occasioned by defective writs of error, which as the law now stands is amendable: for remedy thereof, be it enacted by the King's excellent majesty, by and with the advice and consent of the spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That all writs of error, wherein there shall be any variance from the original varying from the record, or other defect, may and shall be amended and made able to such record, by the respective courts where such writs of error shall be made returnable; and that where verdict hath been or shall be given in any action, suit, bill, or demand, in any of his Majesty's courts of record at Westminster, or in any other court of record within England or Wales, the judgment thereupon shall not be staid or reversed for any defect or fault, either in form or substance, in any bill, original or judicial, or for any variance in such writs from declaration or other proceedings.

Provided nevertheless, That nothing in this act contained shall extend, or be construed to extend, to any appeal of felony, or murder, or to any process upon any indictment, present or information, of or for any offence or misdemeanor forever.

CAP. XIV.

That to continue the commissioners appointed to examine, state and determine the debts due to the army; and to examine and state the demands of several foreign princes and states for subsidies during the late year. E X P.

CAP. XV.

An act for making more effectual an act of the third and fourth years of the reign of King William and Queen Mary, intitled, An act for the more effectual discovery and punishment of deer-stealers.

THEREAS divers idle and disorderly persons, who have been duly convicted for unlawfully coursing, hunting, killing or carrying away deer, upon the statute made in the third and fourth years of the reign of the late King William and Queen Mary, for more effectual discovery and punishment of deer-stealers, have used writs of Certiorari to remove such convictions into superior courts at Westminster, purely to avoid the penalties of the said statute; whereby the party or parties convicted are only obliged to give satisfaction to the person or persons prosecuting, for the payment of their costs and damages; and their being no provision made for securing forfeitures incurred for the offence, or the imprisonment of the offenders, although such conviction should be confirmed by the said courts, said offenders have opportunity to conceal their effects; and withdraw.

OL. XIV.

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draw

draw their persons from punishment; and the justice intended by the said act hath been evaded, and loose and wicked persons greatly encouraged to follow such evil practices: for the prevention whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That no Certiorari shall be allowed to remove any conviction made, or other proceedings of, for or concerning any matter or thing in the said statute, unless the party or parties convicted shall, before the allowance of such Certiorari, and at the same time that security is given for the payment of the costs and damages to the prosecutor or prosecutors, become also bound to the justice or justices of the peace, before whom such conviction was made, with such sufficient sureties as such justice or justices shall approve of, in the penalty of sixty pounds for each offence, with condition to prosecute such writ of Certiorari with effect, and to pay such justice or justices the forfeitures due by such conviction, to be distributed as the said statute directs, or to render the person or persons convicted to such justice or justices within one month next after such conviction shall be confirmed, or a procedendo granted; and that in default thereof, it shall be lawful for the said justice or justices, and all other persons whatsoever, to proceed to the due execution of such conviction, in such manner as if no Certiorari had been awarded.

No Certiorari shall be allowed to remove any conviction against the recited act, unless the party convicted give security to the justice to prosecute such writ with effect, &c.

In default the justice may proceed to execute such conviction.

After confirmation of a conviction, the justice may proceed as if a procedendo had been granted.

Persons sued may plead the general issue, &c.
3 & 4 W. & M. c. 10.

and shall recover treble costs.

Persons convicted to become bound in 50 l. to be of good behaviour, and not

II. And be it further enacted by the authority aforesaid, That after the confirmation of any conviction or convictions upon the said statute by any of the said superior courts, and delivering the rule to the said justice or justices, whereby such conviction or convictions hath or have been so confirmed, it shall and may be lawful for, and full power and authority is hereby given to such justice or justices to proceed against the party or parties convicted, in the same manner as if a procedendo had been granted.

III. Provided always, and be it enacted by the authority aforesaid, That if any person or persons shall be sued or prosecuted for any matter or thing, which he or they shall do in pursuance of this act, or of the said statute made in the third and fourth years of the reign of the late King *William* and Queen *Mary*, it shall and may be lawful to and for the person or persons so sued or prosecuted to plead the general issue, and give the special matter in evidence; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or suffer a discontinuance, or if upon a demurrer judgment shall be given against the plaintiff, the defendant shall have and recover his treble costs, and have the like remedy for the same as any other defendant hath in any other case by law.

IV. And be it further enacted by the authority aforesaid, That all and every person and persons convicted, or who shall hereafter be convicted by virtue of the said statute shall, before he or they shall be discharged out of custody, become bound to such person or persons against whom such offence was or shall be com-

com-

committed, in the sum of fifty pounds, with condition for his or their future good behaviour, and that he or they shall not offend in like manner; and upon his or their failure or refusal to enter into such bond, that he or they shall be committed to the county-gaol where such offence was or shall be done, until such bond shall be given; and that if such person or persons shall at any time after his or their becoming bound, as aforesaid, be convicted for any matter or thing in the said statute, that then the said bond shall be deemed to be forfeited, and the penalty be recovered, with full costs of suit, in any of the courts at Westminster, which said penalties shall be distributed in the same manner as the forfeitures are by the said statute to be distributed, and the party or parties so convicted shall be likewise liable to the penalties and forfeitures in the said statute.

V. And whereas divers keepers of forests, chases and parks, in trust of the trust reposed in them, have been in consederacy with deer-stealers, whereby they have been greatly encouraged: be it therefore enacted by the authority aforesaid, That if any keeper or keep-

er, or other officer of any forest, chase, purlieu, paddock, wood, park or place where deer are usually kept, shall be convicted upon the said statute for killing or taking away any red or fallow deer, or being aiding or assisting therein, without the consent of the owner or persons chiefly intrusted with the custody of such forest, chase, purlieu, paddock, wood, park or place where such deer shall be killed or taken away, That then such keeper or keepers, or other officer, being so convicted, shall forfeit the sum of fifty pounds for each deer so killed or taken away, to be levied by way of distress upon his or their goods and lands, to be distributed as the forfeitures in the said statute are distributed; and for want of such distress, that then he or she shall suffer imprisonment for three years without bail or fine, and be set in the pillory for two hours on some market-day in the next adjoining town to the place where the offence was committed, by the chief officer or officers of such market-town, or by his or their under-officer or under-officers.

VI. And whereas by the said statute of the third and fourth years

of William and Queen Mary such persons are only to be punished

with three months imprisonment, who do in the night-time pull

down or destroy the pales or walls of any park; forest or other ground

where deer are kept, which hath been found ineffectual to prevent

thefts of that nature: be it therefore enacted by the authority

aforesaid, That if any person or persons shall at any time pull

down or destroy, or cause to be pulled down or destroyed, the

pales or walls of any park, forest, chase, purlieu, paddock,

wood or other ground inclosed, where any red or fallow deer

shall be then kept, without the consent of the owner or the

person chiefly intrusted with the custody thereof, that such per-

sons so offending, and being convicted thereof by confession

or by the oath of one or more credible witnesses or witnesses,

or by one or more justice or justices of the peace of the same

parish wherein the offence shall be committed, shall be subject

to offend in like manner.

On refusal, to be committed till such bond given.

If convicted after, the bond to be forfeited, &c.

By 5 Geo. 1. c. 28. such offenders are to be transported.

Keeper or other officer of any forest, &c. convicted of killing any deer without the owner's consent, shall forfeit 50 l. for each deer; to be levied by distress;

and for want thereof to be imprisoned three years and set in the pillory.

3 & 4 W. & M. c. 10.

Persons convicted of pulling down the pales, &c. of any park, &c. shall be subject to the penalties of 3 & 4 W. & M. c. 10. for killing any one deer.

unto the forfeitures and penalties by the said statute inflicted for the killing of any one deer, in the same manner as if he or they had been thereof convicted according to the said statute.

CAP. XVI.

An act for laying a duty of two pennies Scots, or one sixth part of a penny sterling, upon every pint of ale or beer that shall be vended or sold within the town of Dunbar, for improving and preserving the harbour, and repairing the town-house, and building a school, and other publick buildings there; and for supplying the said town with fresh water. *Continued by 10 Geo. 2. c. 4.*

CAP. XVII.

An act for laying a duty of two pennies Scots, or one sixth part of a penny sterling, upon every pint of ale or beer that shall be vended or sold within the town of Inverness, and privileges thereof, for paying the debts of the said town, and for building a church, and making a harbour there. *Continued by 11 Geo. 2. c. 16.*

CAP. XVIII.

An act for recovering the credit of the British fishery in foreign parts; and better securing the duties on salt.

WHEREAS it is found by experience, that the allowances given by the several acts of parliament relating to the duties on salt upon the exportation of fish do much exceed the duty of salt used in curing the same, which is so far from being an encouragement to a fair trade, that it is rather an inducement to the curers and exporters of fish to commit several frauds, by curing the said fish in so deficient a manner, that it will but just serve the examination upon shipping it off, and not keep good to foreign markets, to the great disparagement of the British fishery, as well as diminution of his Majesty's said duties: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That the present allowances given by the laws relating to the duties upon salt upon the exportation of fish shall not be paid for any fish that shall be exported from and after the four and twentieth day of *June one thousand seven hundred and nineteen*; but that the curers of fish shall from thenceforth be allowed to import foreign salt, or take from any salt-works or salt-pits, any such quantity of *British* salt, where the same is allowed by law, for the curing of fish for exportation, as they shall think proper for curing fish for foreign markets, without paying any duty to his Majesty for the same, except the customs payable upon the importation thereof, such foreign salt being landed, or such *British* salt being taken from the said salt-pits or salt-works and weighed in the presence of an officer for the duties on salt; and such foreign or *British* salt being lodged in a warehouse under the lock and key of the said officer, as well as the proprietor of the said salt: which foreign or *British* salt so lodged as aforesaid shall remain in the custody of the said officer jointly with the said proprietor of the said salt, during all the several intervals of the respective fishing seasons; the proprietor or proprietors, or his or their agent or agents, entering at the next office for the duty on salt the respective

The present allowances given on salt shall not be paid for any fish exported after 24 June, 1719.

Curers of fish for exportation may use foreign salt or *British* salt without duty, except the customs.

Such salt to be weighed and warehoused.

By 6 Geo. 1. c. 11. sect. 51. Stock so cleared up may be turned

tive quantities of foreign or *British* salt so lodged by him or them, from time to time, as aforesaid; and the said officer keeping an account of every respective quantity of the said salt so entred and lodged in his custody as aforesaid; and that at the beginning of every of the several fishing seasons the proprietor or proprietors of the said salt, or his or their agent or agents, shall make oath in writing before the officer for the duty on salt, at the office nearest to the place where the said salt is lodged, declaring the quantity of the foreign or *British* salt respectively lodged as aforesaid; and that all the said salt is intended for the curing of fish for exportation only, and shall not by his or their order, consent or connivance, directly or indirectly, be sold, given away or any ways delivered, but for the purpose aforesaid; after which oath so made as aforesaid, and filed up by the said officer in his said office for the duty on salt as aforesaid, the officer in whose joint custody with the proprietor or proprietors, his or their agent or agents, the salt has continued during the interval of the fishing season, shall deliver into the sole custody of the said proprietor or proprietors, his or their agent or agents, all the said salt for the curing of fish taken during the said fishing season; and that at the end of every fishing season the officer for the said duty on salt shall take a particular account of the quantities of foreign and *British* salt respectively remaining in hand; which remaining salt shall be immediately locked up in the joint custody of the said officer and proprietor or proprietors, his or their agent or agents as aforesaid; and the said proprietor or proprietors, his or their agent or agents, of the said salt, using the said salt as aforesaid shall, as soon as possible, after the end of every fishing season, deliver also an account in writing into the said office for the duty on salt as aforesaid, containing the quantity of fish exported or entred and shipped to be exported, on which the salt taken away after its delivery into the sole custody of the said proprietor or proprietors, his or their agent or agents, has been used or consumed, together with a certificate or certificates by the proper officers of the several ports where the said fish were shipped for exportation, verifying the said account; which certificates the said officers are hereby directed to give *gratis*; which said account, delivered into the said office as aforesaid, shall be affirmed by the oath of the said proprietor or proprietors using the said salt as aforesaid, or his or their agent or agents who have used the same, and shall remain in the said office, to the end that the quantity of fish cured for exportation and the quantity of salt used in curing the said fish may, from time to time, appear upon oath, and be compared together; and in case any of the said salt shall be delivered over to any other persons, and used by them in curing of fish, the several quantities of salt so delivered over shall be expressed in the said account; and each person to whom such salt shall be so delivered, or his agent, shall likewise upon oath make another account of the particular quantity of such salt used by each of them in the curing of fish so exported or shipped for exportation as aforesaid; which said account,

over as stock in hand, &c.

At every fishing season proprietor to make oath of the quantity, and that it is for curing fish for exportation only:

This clause altered and explained, and farther provisions made,

8 Geo. 1. c. 4. f. 1, 4, 9, 10. & 8 Geo. 1.

c. 16. f. 1. & 11 Geo. 1.

c. 30. f. 41, 42. Then the salt to be delivered to the proprietor.

After fishing season an account to be taken of the remaining salt, and to be warehoused.

Proprietor to give an account of the quantity of fish exported on which the salt was used, &c.

Salt delivered over to any other to be accounted for.

count, together with proper certificates as aforesaid, shall likewise be transmitted into the office aforesaid, there to remain for the purposes above-mentioned: but if such proprietor or proprietors, his or their agent or agents, or any other person or persons to whom any quantity of salt shall be by them delivered over as aforesaid shall, for the space of six months after the end of every respective fishing season, neglect or refuse to deliver such account attested upon oath as aforesaid, such proprietor or proprietors, and such other person or persons as aforesaid, shall for every such offence forfeit forty pounds.

Penalty.

II. *And to the end that no part of the salt delivered into the sole custody of the proprietor or proprietors thereof, or of his or their agent or agents, or by them to any other persons, for the curing of fish for exportation only, during the said several fishing seasons, may be sold, given away or otherwise delivered or used, directly or indirectly, but for the purpose aforesaid; and to obviate the frauds which the publick revenue would otherwise be exposed to by the present relaxation of the former laws and the indulgence intended hereby to the fair trader:* be it enacted by the authority aforesaid, That for every bushel of salt so taken out of the cellars or salt-works, which shall not be accounted for in the manner above-mentioned, by the oaths of the persons and proper certificates, or by certificate from the justices of the peace at the quarter-sessions, that proof was there made that such salt was put on board any boat or vessel for curing of fish at sea, and was there taken by enemies or otherwise lost or perished at sea, or shall not be returned into or found remaining at the end of every fishing season in the cellars or warehouses as aforesaid, the proprietor or proprietors thereof, his or their agent or agents who took out the same, or the person or persons to whom the same or any part thereof was delivered for curing of fish as aforesaid, shall respectively, according to each of their respective quantities with which they stand accountable, forfeit and pay the sum of twenty shillings; and every such person selling, giving away, using or delivering any such salt, or consenting or being any ways privy to the selling, giving away, using or delivering such salt, directly or indirectly, otherwise than for the purposes aforesaid, shall forfeit, pay and undergo the penalties and punishments herein after-mentioned; that is to say, every proprietor of such salt, or his agent, for every bushel of such salt so sold, given away, used or delivered, shall forfeit and pay the sum of twenty shillings; one third part thereof to the use of his Majesty, his heirs and successors, and the remainder thereof to such person that shall inform or sue for the same; and every other person buying, taking or using any such salt, otherwise than for the purposes aforesaid and in the manner aforesaid, shall forfeit and pay the sum of twenty shillings for every bushel of salt so bought, delivered or used, and after that rate for a greater or lesser quantity; one third part thereof for the use of his Majesty, his heirs and successors, and the remainder thereof to such person or persons that shall inform or sue for the same: which said sums or penalties

Every bushel of salt taken out of the cellars, and not accounted for, forfeits 20s.

Such salt sold, given away, used or bought, otherwise than for curing fish, forfeits 20s. the bushel.

nalties shall be levied in such manner as other penalties herein after-mentioned are to be levied; or in default of payment of such sums, within fourteen days after conviction of such crime, and where no sufficient effects can be found to answer the same, the person or persons so offending shall be sent to the house of correction, there to be whipp'd, and kept to hard labour for any time not exceeding three months.

III. And for preventing the imbezilling of salt lodged under the lock and key of the officer and proprietors during the intervals of the respective fishing seasons; be it enacted by the authority aforesaid, That for every bushel of such salt so lodged, which shall either be carried away or shall be found wanting at the re-delivering thereof into the sole custody of the proprietors, reasonable allowances for the waste of such salt being first made, the said proprietor or proprietors shall forfeit twenty shillings.

Salt wanting at re-delivering forfeits 20s. the bushel.

IV. And for preventing any frauds, imbezillments or misapplication of any foreign salt after it is imported or landed, and before it is cellared and stored up under the joint custody of the proprietor and the officer for the salt-duties for curing of fish for exportation as aforesaid, and of any *British* salt after its being weighed and taken away from the salt-works or salt-pits of *Great Britain*, and before it is stored and locked up by the proprietor and the officer for the salt-duties for curing of fish for exportation, as before-mentioned; be it enacted by the authority aforesaid, That any person or persons who, from and after the four and twentieth day of *June* one thousand seven hundred and nineteen, shall take away, imbezil or misapply any foreign salt after the importation or landing thereof, and before it is cellared and stored up for the curing of fish as above-mentioned, shall forfeit and pay the sum of twenty shillings for every bushel of such foreign salt at eighty and four pounds weight to the bushel, and so in proportion for a greater or less quantity; and any person or persons who, from and after the said four and twentieth day of *June* one thousand seven hundred and nineteen, shall take away, imbezil or misapply any *British* salt after it is weighed at and carried from any salt-work or salt-pit in *Great Britain*, and before it is brought unto and locked up in any cellar or storehouse by the proprietor and the officer for the salt-duties, for the curing of fish, as directed by this act, every such person or persons shall forfeit and pay the sum of ten shillings for every bushel of *British* salt so taken away, imbezilled or misapplied, reckoning such *British* salt at fifty and six pounds weight to the bushel, and so in proportion for a greater or less quantity.

Foreign salt imbezilled after importation and before cellaring forfeits 20s. the bushel, at 84lb. to the bushel.

British salt imbezilled forfeits 10s. the bushel, at 56lb. to the bushel.

V. And whereas considerable quantities of foreign and *British* salt, as also some quantities of salt which has already been laid on fish, and returned unconsumed, designed for the curing of fish, the duties whereof are paid or secured to be paid, are in the hands of several persons, dealers in fish, which quantities of salt ought to be returned under the lock and key of the officers of the duties on salt in *England* and the officers of the customs in *Scotland*, and the duties thereof re-

Salt that has paid the duty to be again under lock and key of the proper officers before 1 June 1719.

paid, or the security given vacated and discharged: be it therefore enacted by the authority aforesaid, That all such foreign and *British* salt, as also such quantities of salt which have already been laid on fish and returned unconsumed, remaining in the proper custody of any person or persons, the duties whereof have been paid or secured in *England* on or before the first day of *March* one thousand seven hundred and eighteen, and in *Scotland* on or before the first day of *October* one thousand seven hundred and eighteen, shall be again put under the lock and key of the salt-officers in *England* and of the custom-house officers in *Scotland* respectively, on or before the first day of *June* one thousand seven hundred and nineteen, by delivering to them keys of all the cellars wherein such salt is lodged and cellared, and thereupon weighing the same in the presence of the said officers with all convenient diligence and without delay; and upon a debenture to be prepared by the collector of his Majesty's customs at the port within the precinct whereof such salt is lodged or cellared as aforesaid, and verified by the proper officer as to the quantity of salt actually cellared, the security given for the duties of the said salt shall be vacated and discharged, or the duties repaid by the said collector, if in *Scotland*, or by the officers of the duties on salt, if in *England*, out of the monies in their hands arising from the said duties, so as it appears by the salt or custom-house books, that the salt was imported or delivered on or before the first day of *October* one thousand seven hundred and eighteen in *Scotland*, or on or before the first day of *March* one thousand seven hundred and (a) eighteen in *England*; and that the duties whereof were paid or secured to be paid; and that the proprietor of the salt, or his agent, make oath, that this is the same salt that was so imported or delivered; and in case there is not money in their hands sufficient to discharge the said debentures, then and in that case, upon a certificate thereof to be given *gratis*, the said debentures for salt cellared in *England* shall be paid by the commissioners for the duties on salt; and the said debentures for salt cellared in *Scotland* shall be paid by the commissioners of the customs or excise in *Scotland*, at the option of the merchant, in the same manner as debentures for fish exported are now by law made payable,

(a) Nineteen in the record.

Allowances on fish exported.

VI. And for the better encouragement of the fishing trade of *Great Britain*, be it enacted by the authority aforesaid, That for all such fish hereafter mentioned as shall be exported from any port or place in *Great Britain* into parts beyond the seas, by any person or persons whatsoever, the rates or sums of money hereafter expressed, that is to say, for every cask or vessel of pilchards or scads, containing fifty gallons, seven shillings; for every hundred of codfish, ling or hake, (except dried codfish, ling or hake, commonly called haberdines) which shall contain in length fourteen inches, or upwards, from the bone in the fin to the third joint in the tail of every such fish, five shillings; for every barrel of wet codfish, ling or hake, containing thirty two gallons, two shillings; for every hundred weight of dried

cod.

codfish, ling or hake, commonly called haberdines, three shillings; for every barrel of salmon, containing forty two gallons, four shillings and six pence; for every barrel of white herrings, containing thirty two gallons, two shillings and eight pence; for every barrel of full red herrings, containing thirty two gallons, one shilling and nine pence; for every barrel of clean shotten red herrings, containing thirty two gallons, one shilling; for every last of dried red sprats, one shilling; and so in proportion for a greater or lesser quantity of all and every the said kinds of fish, shall be paid by the officer appointed to collect the duties on salt in the same port from whence any such fish shall be exported, within thirty days after demand thereof, on a debenture to be prepared by the collector of the customs in the port where such fish shall be entred out for exportation, and verified by the person executing the office of searcher in such port, as to the quantity of fish actually shipped; and that the oath of the exporter or agent be first taken before the principal officers of the said port before the debenture be allowed (who are hereby required and impowered to give the said oath) That the fish in such debenture mentioned were *British* taken, and really exported to or for parts beyond the seas, and not reloaded, or intended to be reloaded in *Great Britain*, for which debenture no fee or reward shall be taken; and in case the officer hereby directed to pay such debenture shall not have sufficient money in his hands to pay the same, then upon certificate thereof by him made (which certificate he is hereby required to give the party *gratis*, and without delay) the principal commissioners for managing his Majesty's revenue of excise upon salt for the time being, shall be chargeable with the said payment, to be made in course out of the first money in their hands arising out of the said duties upon salt; and the said debentures for fish exported from *Scotland*, shall be paid by the commissioners of the customs or excise in *Scotland* at the option of the merchant, in the same manner as debentures for fish exported are now by law made payable; and any officer neglecting or refusing to pay the said money, or to give such certificate as is here directed, shall forfeit double the sum so to be paid, to the party grieved, to be recovered by action of debt, bill, plaint or information, wherein no essoin, protection, or wager of law shall be allowed; and that it shall and may be lawful for the officers for the said duties on salt, upon the exportation of any codfish, ling or hake, and before the same shall be laid on board for exportation, to cut off part of the tail of every such codfish, ling or hake, to the intent it may be known that such codfish, ling or hake hath been exported, and allowances obtained on exportation thereof, in case the same shall be reloaded or re-imported; and also that it shall be lawful, upon the exportation of any pilchards, scads, white herrings, red herrings, salmon, or dried red sprats, and before the same shall be laid on board for exportation, to mark any cask, barrel, or other vessel, wherein any such pilchards, scads, white herrings, red herrings, salmon, or dried red sprats, shall

Officers to cut off part of the tail of codfish, &c. before the exportation,

and to mark the barrels wherein pilchards, &c. are,

Such fish re-
landed, for-
feited.

No allowance
for unmer-
chantable fish.

Officers may
enter into
warehouses to
view the fish
curing, &c.

Refitting offi-
cer forfeits 20l.

Fish lost or
spoiled before
the ship pro-
ceeds on her
voyage, to be
allowed the
bounty.

Proviso for the
Severn Galley,
George Gal-

shall be exported, to the intent it may be known that such pilchards, scads, white herrings, red herrings, salmon, or dried red sprats, have been exported, and allowance obtained on exportation of the same, in case the same be re-landed or re-imported; and that in case any codfish, ling or hake, or any pilchards, scads, white herrings, red herrings, salmon, or dried red sprats, shall (after the same shall be exported) be fraudulently re-landed in *Great Britain*, or re-imported all the said fish so re-landed or re-imported, shall be forfeited and lost, and double the value thereof, to be recovered of the importer or proprietor thereof; and that no allowance shall be paid out of the said duties on salt for or on account of the exportation of any fish that shall not be well cured, or shall be unmerchantable.

VII. And be it enacted by the authority aforesaid, That it shall and may be lawful for the officers for the said duties on salt, at all times when fish are curing, bulking or packing, and at all other times, in the day (or in the night in the presence of a constable, or other lawful officer of the peace) to enter and come into the cellars and warehouses of all curers of fish, to view and inspect them, during the time of their curing fish; and to gauge the salt when they shall think it necessary for the discovering of any frauds; and to mark the casks wherein the fish are put up for exportation, and to see them exported; and if any person or persons shall obstruct or hinder any of the said officers in the performance of their duties aforesaid, then and in every such case, the person offending therein shall forfeit the sum of twenty pounds.

VIII. And be it enacted by the authority aforesaid, That where any fish entitled by law to any premium or allowance upon exportation thereof, shall be laden for exportation, and duly entred and past by the proper officer, at any time after the twenty fifth day of *March* one thousand seven hundred and nineteen, and the said fish shall be lost or spoiled before the ship's proceeding on her voyage, as aforesaid, then the proper officer of the port or ports where the said fish so lost or spoiled was or shall be entred, shall be obliged, upon due proof thereof made upon oath before any of the chief officers of such port, who have hereby power to administer the same, by the proprietor or proprietors of the said fish, or his or their agents, to make out debentures for the premium or bounty of the said fish, as if the said fish had been actually exported to parts beyond the seas; provided the said fish was sunk in the sea or port where the said ship was lost, or destroyed in the sight of the proper officer where any of the said fish shall come ashore, and that no use be made of the said fish by the proprietor or proprietors, or his or their agents; and that the said officer is hereby required to cause such fish to be burnt, or otherwise destroyed; any thing in this or any other act to the contrary notwithstanding.

IX. *And whereas the ship Severn Galley of Bristol being in the river of Bristol in or about the month of February one thousand seven hundred and eighteen, and the ship George Galley of London being*

1 Leostaff road in or about the month of October one thousand seven hundred and seventeen, and the ship *James of Leith* being in the port of Cafton in the ifles of Orkneys in or about the month of December one thousand seven hundred and thirteen, the said fhips were, by trefs of weather, or other accidents, feverally caft away and loft in or very near the refpective parts where the fame were loaden, and at the times of their being refpectively loft, the said fhips were feverally laden with fifh, and other goods, for exportation into parts beyond the fea; which feveral loadings of fifh, or part thereof, were loft and utterly fpoiled, and rendred unfit for any market: and whereas fome doubt hath arifen about the making out the debentures for the drawbacks or bounties for the fifh that was fo fpoiled, as aforefaid: be it enacted by the authority aforefaid, That the proper officers, at the feveral ports where the said feveral fhips were refpectively laden, do upon due proof by the oaths of the refpective proprietors of the said fifh, or their refpective agents, That fuch fifh was really loft, or have been deftroyed in the prefence of one or more of the said officers, after the fame had been loaden and entred out for exportation, without intention of being relanded in Great Britain (which oath the principal officer at fuch port is hereby impowered to adminifter) make out debentures for the drawbacks and bounties for the said fifh fo loft or deftroyed, as aforefaid, in the fame manner as is directed to be done by the feveral acts of parliament now in force for fifh really exported into parts beyond the fea; any act or acts to the contrary notwithstanding.

ley, the fhip
James of
Leith.

X. And be it further enacted by the authority aforefaid, That if any red herrings or fprats fhall, during the time of drying or curing, be burnt or confumed by fire, by which means fuch red herrings or fprats fhall be rendred unfit for ufe, in fuch cafe the number or quantity of red herrings or fprats fo burnt, confumed, or rendred unfit for ufe, fhall be computed by the proprietor of the said herrings or fprats, in conjunction with the falt-officer of the said port or place, according to the beft of their skill and judgment; which computation fo made, and added to the account to be given in of the quantity of herrings or fprats exported or fhipped for exportation, fhall be accepted and taken at the falt-office in the fame manner as if all the said herrings had been really exported.

Red herrings
or fprats con-
fumed by fire,
to be taken as
if they were
really export-
ed.

XI. And whereas by an act made in the third year of the reign of his prefent majesty King George, intituled, An act for continuing the duties on malt, mum, cyder and perry, for the fervice of the year one thousand feven hundred and fevehteen; and to authorize allowances to be made to certain receivers: and to obviate a doubt concerning goods imported from the iflands of *Jersey*, *Guernsey*, *Sark* and *Alderney*; and to ascertain the duties upon fheep-fkins and lamb-fkins; and to prevent frauds in the duties upon ftarch; and for making forth duplicates of exchequer-bills, lottery-tickets and orders, loft and burnt, or deftroyed; and for enlarging the time for adjusting claims in feveral lotteries; and for preventing frauds in the duties on low wines and

Geo. 1. c. 4.

and spirits carried coastwise, it is enacted, That the inhabitants of the islands of Jersey, Guernsey, Sark and Alderney, shall and may, with and under such certificates and oaths as are therein mentioned, import into any lawful port of Great Britain, any goods, wares or merchandizes of the growth, produce and manufacture of the said islands, or any of them, without paying any customs, subsidies or duties for or in respect thereof, except such excise or other duties as is now or shall hereafter, for the time being, be due and payable for the like goods of the growth, produce and manufacture of Great Britain: and whereas it is found by experience, that the indulgence and bounty given by the said act, has been an occasion of tempting many evil-disposed persons to bring in great quantities of French salt from Guernsey, under a pretence that the same was of the produce of that island, by certificates, which are since discovered to be forged, to the great prejudice of the revenue, and the diminution of the trade of the makers of salt in Great Britain: be it enacted by the authority aforesaid, That from and after the first day of May one thousand seven hundred and nineteen, all salt imported from any of the said islands shall be liable to the same duties upon the importation thereof as any other foreign salt whatsoever.

After May 1, 1719. Salt imported from Jersey, &c. shall be liable to the same duties as other foreign salt. Allowance for herrings exported from Scotland in barrels of Scots guage before May 1719.

The proportion of the Scots barrel to the English.

XII. And whereas the laws and acts of parliament in Scotland, reserved in force by the eighth article of union, do, among other things enact, That the herring-barrel shall contain eight gallons two pints, Scots measure, which amounts only to nine and twenty gallons, three pints, one gill and an half, English wine-measure; in consequence whereof all the herring barrels made in Scotland since the union, as well as before, have been made according to the aforesaid standard, and great numbers of such barrels remain now in hand: and whereas doubts have arisen in Scotland about the payment of the present allowances upon white herrings exported, unless they are put up and packed in barrels, containing precisely thirty-two gallons, English wine-measure; and also about the payment of proportionable allowances for half-barrels, howsoever convenient for stowage the said half-barrels are; be it enacted by the authority aforesaid, That the present allowance of ten shillings five pence per barrel of white herrings shall be paid for all herrings exported from Scotland in barrels of the Scots guage before-mentioned, and proportionally for half-barrels; provided the said herrings have been or shall be exported on or before the first day of May one thousand seven hundred and nineteen.

XIII. And forasmuch as great inconvenience would arise to the owners of the said herring barrels remaining now in hand, should the use thereof be disallowed, or no premium be granted upon herrings therein exported: be it therefore enacted by the authority aforesaid, That the premiums granted by this act upon white herrings shall and may be paid upon herrings exported in the aforesaid barrels, in such proportion as the guage of the said barrels bear to thirty two gallons English wine-measure, provided the said barrels be filled with herrings on or before the first day of December one thousand seven hundred and twenty.

XIV. And whereas divers merchants have exported several quantities

ies of salmon in barrels or boxes that were neither agreeable to the Scotch or English laws, and the officers of the customs having gauged the said barrels or boxes, have given debentures for the allowance or drawback in proportion to forty two gallons, English wine-measure, wherein no circumstances of fraud do appear: be it therefore enacted by the authority aforesaid, That the said debentures shall and may be paid and satisfied in such manner as they ought to have been, if such exportation had been made and carried on according to the rules and directions of the law.

Salmon exported in unsizeable barrels.

XV. And for preventing the like mistakes and irregularities for the future, be it further enacted by the authority aforesaid, That from and after the first day of June one thousand seven hundred and nineteen, the contents of the herring and salmon barrel shall be the same throughout the whole united kingdom of Great Britain; that is to say, the herring-barrel shall contain thirty two gallons, and the salmon-barrel forty-two gallons; and that all exportation of salmon or herrings in barrels of a different size or content, the empty herring-barrels now in hand excepted, shall be adjudged and taken to be an unlawful exportation, and shall not entitle the exporter to any premium in respect of the same.

The contents of the herring and salmon barrel.

XVI. *Provided nevertheless, forasmuch as it may be convenient for the merchants, for the better stowage in the ships in which such exportation of herring or salmon is made, to pack up some part thereof in half-barrels: be it enacted by the authority aforesaid, That it shall and may be lawful to export herring or salmon in half-barrels, according to the proportion of the barrels above-mentioned respectively, but in no other barrels or casks of any other size or content whatsoever; and they shall, by virtue of this act, be entitled to a proportionable premium or drawback for every such half-barrel, videlicet, half what they would be entitled to in case the exportation had been made in whole barrels.*

Herrings and salmon may be exported in half-barrels.

XVII. *And whereas by the said laws relating to the duties on salt it is provided, That no person whatsoever shall make use of any brine for the pickling or curing of any fish or flesh, or for preserving of any provisions, before the same is boiled into salt: for the better preventing frauds therein, be it further enacted by the authority aforesaid, That every person who shall carry or convey or cause any brine to be carried or conveyed from the pits (other than such person or persons who are known proprietors of pans for boiling the same into white salt) shall forfeit and lose the sum of forty shillings for every gallon of brine so carried and conveyed, and so proportionably for a greater or lesser quantity.*

Brine carried from the pits for curing flesh or fish to forfeit 40s. per gallon.

XVIII. *And whereas by an act of parliament made in the second and third years of the reign of her late majesty Queen Anne, intituled, An act for the better securing and regulating the duties upon salt, it is provided, That in case any ship or vessel should come into any port of England, Wales or Berwick upon Tweed, from Ireland or any other foreign part, having on board any quantity of salt, which was taken in only for the necessary provisions of the ship for such voyage, or for curing of fish, it should be lawful for the master of such*

2 & 3 Ann. c. 14.

Foreign salt imported, taken in for necessary provision for the voyage, or for curing of fish, not entred in ten days, forfeited and double the value.

No owner of salt-works to act as justice of peace in matters relating to salt-duties.

Master of ship carrying salt from Scotland to England, or coastwise, shall before landing give a particular of the salt to the salt-officer on oath, &c.

such ship or vessel to land the salt, so as an entry should be made thereof within ten days after his first coming into such port, and the duties paid down or secured for the same before the same or any part thereof should be landed or taken out of any ship or vessel; nevertheless for want of sufficient penalties to enforce obedience thereto, several masters of vessels, who since the making the said act have imported such salt, have refused or neglected to enter and pay the duties for the salt by them so imported as aforesaid, within the time limited by the said act: be it therefore enacted by the authority aforesaid, That in case any master of any ship or vessel, who shall, after the twenty fourth day of *June* one thousand seven hundred and nineteen, import or bring into any port or place of *Great Britain*, from *Ireland* or any other foreign part, any quantity of salt which was taken in only for the necessary provisions of the ship for such voyage, or for curing of fish as aforesaid, shall refuse or neglect to enter and pay or secure the duty for the same, within ten days after his first coming into any such port or place, and before the same or any part thereof shall be landed or taken out of any such ship or vessel, all the salt so imported shall be forfeited and lost, and the master or other person, commander of the ship or vessel wherein any such salt shall be imported, or the owner or importer of such salt, shall likewise forfeit double the value thereof.

XIX. And be it further enacted by the authority aforesaid, That no proprietor or owner of salt-works, or who shall have any interest in, or any rent, profit or benefit reserved upon, issuing out of or any ways arising by any salt-pits, salt-works, store-houses or other places made use of by any maker, refiner, importer or dealer in salt, shall act as a justice of the peace in any matter or thing relating to the duties on salt; or any offence committed against the laws relating to the same.

XX. And be it further enacted, That all and every master and commander of any ship or vessel whatsoever, that from and after the four and twentieth day of *June* one thousand seven hundred and nineteen shall transport or carry any foreign salt from *Scotland* or any of the islands thereunto belonging into *England*, or from any one place or port to any other port or place within the kingdom of *Great Britain*, shall, before he or they land or deliver such salt on shore (by him so transported or carried) deliver to the officers for collecting the duties on salt in the said port or place appointed to receive the same, a true particular of the quantity so transported and carried as aforesaid, signed by the officers for collecting the said duties on salt, and by the officers of the customs for the port or place from whence the said ship or vessel came; and then the master or his mate, or the boatwain of such ship or vessel shall make oath before the commissioners for collecting the said duties on salt or their officers, some or one of them (who are hereby impowered to administer the same without fee or reward) that to his knowledge there hath not been laid on board or taken into the said ship or vessel any salt since he or they came from such port as a-fore-

foresaid; and in case such ship or vessel be to deliver one part of her salt at one port and another part at another port or ports, that then the officers for collecting the said duties, and officers of the customs where such salt shall be delivered, shall certify on the backside of the cocquet, *Transire* or other warrant, or else by certificate only under the hands and seals of the officers, how much and what quantity of the salt mentioned in the cocquet, *Transire* or other warrant, from the port from whence such ship or vessel came, hath been there landed and delivered, upon the penalty of forfeiting double the value of the salt that shall be otherwise delivered, and ten shillings *per* bushel.

XXI. And be it further enacted, That it shall and may be lawful to and for the officer and officers of the said duties on salt, at every unloading port or creek of such ship or vessel, to go on board the same before the delivery thereof, and to demand a sight of such cocquet so to be given as aforesaid, and to weigh the salt upon unloading the same; and if the salt on the weighing the same shall be found to be more in weight than what is contained in the said cocquet, that then the surplussage that shall exceed the quantity contained in the said cocquet; shall be forfeited; the one moiety thereof to the use of his Majesty, his heirs and successors, and the other moiety thereof to the person that shall inform or sue for the same; and if the master of such ship or vessel shall refuse to shew unto such officer the said cocquet, upon due request made, to the end he may see whether the salt so unloading be the same quantity with that contained in the cocquet, That then and in such case it shall be lawful for the said officer to seize the said salt and detain the same, until the said cocquet be produced: provided always, That if the said cocquet, having been duly taken out, be not shewn to such officer in four days after the seizure thereof, That then and in such case the salt so seized shall be forfeited.

Salt-officers may demand a sight of the cocquet, and weigh the salt.

Master refusing, officer may seize the salt till cocquet produced, &c.

XXII. And whereas the importers of foreign salt do, after they come into port, and before they enter and land the same, or proceed further on their voyage to some other port, frequently run salt in boats and other small vessels in the night-time; and if the officers discover the same, the persons on board such boats or other vessels not only refuse to suffer the officers to come on board to see if they have any salt in their vessels, but frequently beat and abuse them: be it enacted by the authority aforesaid, That from and after the four and twentieth day of June one thousand seven hundred and nineteen, it shall and may be lawful to and for the officers of the customs, or the officers of the duties on salt, and every of them, to go on board any boat, lighter or other vessel lying in any port or place or riding upon the sea-coasts, and to search the same, and to see if there be any salt on board, and to seize such salt, in case the same be found in any other vessel than that wherein such salt was imported or brought into the said port or place, unless the same had been duly entred or the duties paid or secured; and all such salt shall be forfeited and lost, or the value thereof, to be recovered of the master or owner of such boat or vessel, who shall

Officers of the customs or salt may go on board any vessel, to see if there be any salt there, &c.

shall likewise be liable to all other penalties and forfeitures, as if the same had been landed without entring or payment of the duty; and every person or persons who shall obstruct or hinder any officer or officers in going on board any such boat or vessel and searching the same, shall for every such offence forfeit and lose the sum of forty pounds.

XXIII. *And whereas by an act made in the second year of the reign of her late majesty Queen Anne, intituled, An act for the better securing and regulating the duties on salt, reciting, That great sums of money were paid out of the duties upon salt on account of debentures for salt shipped to be exported to foreign parts, which salt was afterwards very often fraudulently reloaded on the coasts of England and Wales: it is enacted, That no salt whatsoever, being of the produce or manufacture of England, Wales, Berwick upon Tweed, Scotland or Ireland, nor any other salt coming from Ireland, Scotland or the Isle of Man shall, after the first day of June one thousand seven hundred and four, be imported or brought into any port or place within England, Wales or Berwick upon Tweed, nor taken out of any ship or vessel, nor put on shore within any of the said ports or places, upon pain that all the salt so imported or brought in, taken out of any ship or vessel, or landed or put on shore contrary to the true intent and meaning thereof, shall be forfeited and lost; and that the ship or vessel in which any such salt shall be so imported or brought, in, or out of which any such salt shall be taken or put on shore, together with all her tackle and apparel, shall also be forfeited and lost; and every person that shall take any such salt out of any such ship or vessel, or carry the same on shore, or convey the same from the shore when landed, or be aiding or assisting therein, shall forfeit the sum of twenty pounds for every such offence or suffer six months imprisonment: and whereas some doubts have arisen, whether English salt, which is not actually exported to parts beyond the seas, but only put on board boats, barges, ships or other vessels, in order to be exported, be within the intent and meaning of the said act, although the revenue in such case is liable to as great frauds: and whereas great frauds are frequently committed in reloading fish after the same are exported or shipped to be exported, for want of a sufficient provision: for preventing thereof, be it enacted by the authority aforesaid, That no salt or rock-salt whatsoever, nor any herrings, pilchards, scads, codfish, ling, hake, salmon, or dried red sprats whatsoever shall, after the same be put on board any boat, barge, ship or vessel whatsoever, in any river, port or place in Great Britain, in order to be exported to parts beyond the seas, from and after the four and twentieth day of June one thousand seven hundred and nineteen, be taken out of such boat, barge, ship or vessel, otherwise than to put such fish into the ships in which the same are to be exported, nor put on shore within any of the said ports or places, except in the presence of some officer of the salt-duties, under the same penalties and forfeitures as in and by the said last recited act is directed and appointed.*

No salt or fish, after being put on board, to be taken out or put on shore, but in the presence of a salt officer.

XXIV. *And whereas the importers of foreign salt do frequently*

run

run the same on shore without entry or payment of duty; which evil practice might in a great measure be prevented, if more suitable penalties were provided for discouraging the same: be it therefore enacted by the authority aforesaid, That in case any foreign salt shall be landed or put on shore before due entry be made thereof with the collector or officer appointed for the said duties on salt in the port or place where the same shall be imported, or before the duty thereon be fully satisfied and paid, or without a warrant for the landing thereof, every person who shall land or put the same on shore, or convey the same from the shore when landed, or be aiding or assisting therein, shall, over and above the penalties already given by law for such offence, forfeit and lose the sum of one hundred pounds.

XXV. And whereas in the laws relating to the salt-duties it is provided, That salt shipped to be carried coastwise from one port to another shall not be landed till the master hath produced a certificate of the quantity of salt put on board at the port from whence he came, and hath made oath, that there hath not been any salt taken in since; but there is no provision made to regulate boats and barges that take in salt to be carried down any river, in order to be put on board any ship as aforesaid: be it therefore enacted by the authority aforesaid, That upon the reshipping any salt, British or foreign, or any rock-salt, from any boat, barge, trow, lighter or other vessel into any other ship or vessel, and before any dispatches be granted for the salt so reshipped, the master, mate, chief bargeman or chief boatman, that comes along with the salt that is to be shipped on board another vessel, shall make oath before the officer of the salt-duties (who is hereby empowered to administer the same) that all the salt or rock-salt that he took in or loaded at the place of loading (mentioning the quantity) is truly reshipped on board the vessel that he shall reship it on, and that there was no salt or rock-salt added to it or taken from it at such place of loading, or since he came from it, to the best of his knowledge and belief, under the penalty of forfeiting double the value of the salt that shall be otherwise reshipped, and likewise ten shillings per bushel.

XXVI. And be it further enacted by the authority aforesaid, That all penalties and forfeitures given by this act, or any other law relating to the duties upon salt (except where it is otherwise directed by this act) shall be distributed in manner following (that is to say) one moiety thereof to his Majesty, his heirs and successors, and the other moiety to the officer and officers who shall seize, sue or inform for the same, to be sued for, recovered and levied, in such manner and form, and with such power of mitigation, as any fine, penalty or forfeiture may be sued for, recovered, levied and mitigated by any law of excise, or by action of debt, bill, plaint or information, in any of his Majesty's courts of record at Westminster; and all and every officer and officers for the said duties on salt, are hereby authorized and empowered to seize all salt and other things which by this or any other act or law relating to the duties on salt are declared to be forfeited.

14. Foreign salt put on shore before entry, forfeits 100l. 3 Ann. c.

On reshipping of salt, master, &c. to be sworn, &c. 5 & 6 W. & M. c. 7. sect. 9. 9 & 10 W. 3. c. 44. sect. 12. 1 Ann. stat. 1. c. 21.

Penalty,

Distribution of forfeitures.

XXVII. And be it enacted by the authority aforesaid, That if any person or persons shall at any time be sued or prosecuted for any thing by him or them done or executed, in pursuance of this or any other statute relating to the duties upon salt, or the powers thereby given, he or they shall or may plead the general issue, and give this act and the special matter in evidence for his defence; and if upon trial a verdict pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuit, discontinue, or forbear prosecuting the said actions, then such defendant or defendants shall have double costs to him or them awarded against such plaintiff or plaintiffs, for which costs he shall have remedy, as in other cases where costs are by law given to defendants.

C A P. XIX.

An act for redeeming the fund appropriated for payment of the lottery-tickets which were made forth for the service of the year one thousand seven hundred and ten, by a voluntary subscription of the proprietors into the capital stock of the South-Sea company; and for raising a sum of money to pay off such debts and incumbrances as are therein mentioned; and for appropriating the supplies granted in this session of parliament; and to limit times for prosecutions upon bonds for exporting cards and dice.

8 Ann. c. 4.

*Farther provisions made concerning the matters in this act, by 6 Geo. 1. c. 4. § 10
§ 11. f. 49.*

MOST gracious Sovereign, Whereas by an act of parliament made and passed in the eighth year of the reign of her late majesty Queen Anne, of blessed memory, intituled, An act for continuing part of the duties upon coals, culm and cynders, and granting new duties upon houses having twenty windows or more, to raise the sum of fifteen hundred thousand pounds, by way of a lottery, for the service of the year one thousand seven hundred and ten, it was enacted, That for and during the term of thirty two years, which commenced from the twenty ninth day of September in the year of our Lord one thousand seven hundred and ten, there should be raised, levied, collected, and paid to her said late Majesty, her heirs and successors, for and upon all coals, culm and cinders therein expressed (except charcoal made of wood) the several and respective additional or new impositions, rates, duties and sums of money, in that act particularly mentioned; and for and upon every dwelling-house inhabited, that then was, or thereafter should be erected or built within the kingdom of Great Britain, having twenty windows or more, the several new duties in that act expressed: and it was thereby enacted, That yearly and every year, during the said term, the full sum of one hundred thirty five thousand pounds, by or out of the monies to arise by the said several and respective duties, and to be brought into the receipt of the exchequer, in case the same should extend thereunto, should be the whole and intire yearly fund; and in case all the monies arising into the exchequer of or for the said duties, should not amount to one hundred and thirty five thousand pounds per annum, then the monies so arising, so far as the same would extend, should be part of the yearly fund for

nd towards answering or paying the annuities therein after mention-
d; and in case the said duties should at any time or times appear to
e so deficient or low in the produce of the same, as that within any
ne year the said monies arising into the exchequer for or upon account
f the same duties, should not amount to so much as one hundred thirty
ve thousand pounds, or to so much as should be sufficient to discharge
nd satisfy all the annuities by that act appointed or intended to be paid,
nethin or for the same year respectively, That then and so often,
nd in every such case, so much as should be wanting to make up the
aid fund for every year or any such year, should be supplied and made
od, from time to time, out of the first aid to be granted in parliament
ext after such deficiencies should appear, and should from time to time,
e transferred thereunto as soon as the same should be granted: and it
as thereby enacted, That it should and might be lawful for any per-
n or persons, natives or foreigners, bodies politick or corporate, to
ntribute for or towards advancing the sum of fifteen hundred thou-
nd pounds therein mentioned, by paying at or before the first day of
eptember one thousand seven hundred and ten, to the receiver or re-
ivers to be appointed for that purpose, the sum of ten pounds, or di-
ers entire sums of ten pounds upon that act, for which he, she or
ey, for thirty two years, should be entitled to receive a share or divi-
nd of the said yearly fund; and that lottery-tickets should be prepared
nd drawn, and the shares of the adventurers in the said fund should
e determined and ascertained in the manner thereby prescribed, as by
e said act, relation being thereunto had, may more largely appear: 8 Ann. c. 4.
nd whereas the sum of fifteen hundred thousand pounds was contribut-
l upon the said act, and the annuities payable out of the said fund
e virtue thereof, do amount as is herein after mentioned (that is to
y) to the sum of thirty two thousand six hundred twenty five pounds
er annum, payable half-yearly, to wit, at Lady-day and Michael-
ras, by equal portions, or within twenty days after every such feast-
y, in respect of the fortunate tickets; and to the sum of one hundred
nd two thousand three hundred seventy three pounds and twelve
illings per annum, payable at Michaelmas yearly, or within
wenty days after the same feast-day, in respect of the tickets which
id not prove to be fortunate upon drawing of the said lottery, pur-
vant to the said act: and whereas other tickets, commonly called
y-tickets, directed by the said act, have been made forth for payment
f the said respective annuities at the respective times before-mentio-
d, and all the said annuities payable out of the said fund are satisfied
ntil and for the feast of St. Michael the archangel in the year of
ur Lord one thousand seven hundred and seventeen, and no further;
nd the sum of one hundred sixty eight thousand seven hundred forty
ight pounds and five shillings, is due and in arrear thereupon, by
mputing the same annuities for one year and a quarter of a year
rom the said feast of St. Michael the archangel one thousand seven
undred and seventeen, until and for the feast of the birth of our Lord
Christ one thousand seven hundred and eighteen: and whereas the
apital or joint-stock of the governor and company of merchants of
Great Britain, trading to the South-Seas and other parts of Ame-
rica, and for encouraging the fishery, doth now amount to the sum of

ten millions, and in respect thereof a yearly fund of five hundred thousand pounds is payable to the said governor and company, after the rate of five pounds per centum per annum, besides a yearly sum of eight thousand pounds, for or towards the charges of the said governor and company for management, subject nevertheless to such provisions and powers of redemption, as are contained in one act of parliament of the third year of your Majesty's reign, made (amongst other things) for redeeming the yearly fund of the South-Sea company, being then after the rate of six pounds per centum per annum, and settling on the said company a yearly fund after the rate of five pounds per centum per annum, redeemable by parliament, as by the several acts of parliament, whereupon the said capital or joint-stock, and the said yearly fund of five hundred thousand pounds, and the said yearly sum of eight thousand pounds, and the said powers of redemption, are grounded, relation being thereunto severally had, may more fully appear: and whereas the corporation of the said governor and company of merchants of Great Britain, is willing (upon such terms, conditions and encouragements, as are hereafter in and by this act provided and enacted) to permit all and every or any such persons as are, or at any time before the twentieth day of June one thousand seven hundred and nineteen shall be the proprietors of the said lottery-annuities, or any of them, for the residue of the said term of thirty-two years (that is to say) for twenty three years and three quarters of a year, to be reckoned from the feast of the birth of our Lord Christ one thousand seven hundred and eighteen (in case such proprietors, or any of them, do so think fit) to subscribe his, her or their right, property and interest, for and during all such remaining time or term of and in every or any such annuity or annuities, and of and in all his, her or their said pay-tickets for the same, during such residual time or term, into a book or books to be provided, as hereafter in this act is directed, at the rate of eleven years purchase and a half, so that he, she or they so subscribing, for every twenty shillings per annum so subscribed for the said time or term of twenty three years and three quarters of a year, shall have and be entitled to eleven pounds and ten shillings in the capital or joint-stock of the said company, when the said capital or joint-stock shall be increased, according to the purport and true meaning of this act, and proportionally for any greater or lesser annuities which shall be so subscribed; and the said corporation is also willing (upon the said terms, conditions and encouragements herein after mentioned) to permit all and every, or any such persons as are, or at any time before the said twentieth day of June one thousand seven hundred and nineteen, shall be proprietors of the said sum of one hundred sixty eight thousand seven hundred forty eight pounds and five shillings, computed to be in arrear, as aforesaid, or any part thereof, to subscribe the same into the said book or books, so that every such subscriber, for the sum so subscribed in part of the said sum of one hundred sixty eight thousand seven hundred forty eight pounds and five shillings, shall have and be entitled to the like sum in the said increased capital stock of the said company, according to the purport and true meaning of this act: and in order to raise money to be applied towards discharging the principal and interest of such national debts

and

and incumbrances as were incurred before the twenty fifth day of December one thousand seven hundred and sixteen, declared to be national debts, and provided for by acts of parliament, the said corporation is also willing to advance and pay the sum of seven hundred seventy eight thousand seven hundred and fifty pounds, or so much thereof as is herein after limited and appointed, at such times, and by such proportions at a time, as are herein after mentioned, subject nevertheless to such deductions, defalcations and abatements to be made out of the same, as are hereafter in and by this act allowed:

Now we your Majesty's most dutiful and loyal subjects the Commons of Great Britain in parliament assembled, being desirous that the proprietors of the said lottery-annuities, and the said arrearages thereof (if they or any of them so think fit) may be permitted voluntarily to subscribe the same into the stock and increased stock of the said company, as aforesaid; and that the said sum of seven hundred seventy eight thousand seven hundred and fifty pounds, or so much thereof as shall be payable by the said company in pursuance of this act, may be applied towards discharging the principal and interest of such national debts and incumbrances as were incurred before the twenty fifth day of December one thousand seven hundred and sixteen, declared to be national debts, and provided for by acts of parliament; and being willing to give suitable encouragements to the said corporation in consideration thereof, do most humbly present to your Majesty the several impositions, rates and duties herein after mentioned, and do humbly pray your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That all such several and respective impositions, rates and duties, for and upon all coals, culm and cinders, and for and upon every dwelling-house inhabited, that now is or hereafter shall be erected or built within the kingdom of Great Britain, having twenty windows or more, as were granted, imposed, continued or directed by the said act of the eighth year of her said Majesty's reign for the term or terms of years therein mentioned (except as therein is excepted) shall continue, and be paid and payable to his Majesty, his heirs and successors for ever, for the purposes in this act prescribed and directed; and shall be raised, levied, collected and paid to his Majesty, his heirs and successors, in the same manner, and method and form, and at such places, and by such rules, ways and means, and under such penalties, forfeitures and disabilities as are mentioned, expressed or referred unto, or by the said recited act of the eighth year of her said late Majesty's reign; and that all the powers, authorities, rules, directions, penalties, forfeitures, disabilities, clauses, matters and things whatsoever, contained in the said act of the eighth year of her said late Majesty's reign, or thereby referred unto, now being in force for raising, collecting, levying, recovering, answering, paying, and accounting for the said several impositions,

Proprietors of lottery-tickets 8 Ann. may (if they think fit) subscribe the same into the South-Sea stock.

The sum of 778,750l. to be applied to discharge national debts incurred before 25 Dec. 1716,

Duties on coals and houses 8 Ann. c. 4. made perpetual,

These duties how to be raised.

8 Ann. c. 4.

rates, duties and sums of money, as well upon coals, culm and cynders, as upon houses having twenty windows or more, during the term or terms aforesaid (except as is before excepted) shall be revived, and be for ever continued, practised, and put in execution, for raising, collecting, levying, recovering, answering, paying and accounting for the said several impositions, rates and duties, by this act intended to be continued and made perpetual, for the purposes in and by this act prescribed and directed, in the same manner, and as fully and effectually, as if the same powers, authorities, rules, directions, penalties, forfeitures, disabilities, clauses, matters and things, were particularly and at large set down and re-enacted in this act; the said act of the eighth year of her said late Majesty's reign, or any other law or statute to the contrary notwithstanding; nevertheless the said several impositions, rates, duties and sums of money by this act intended to be continued and made perpetual, as aforesaid, shall be subject to such provisos and powers of redemption, as are hereafter in and by this act contained and prescribed of and concerning the same.

The money to be paid into the exchequer.

II. And be it further enacted by the authority aforesaid, That all the monies arising of or for the said impositions, rates and duties hereby intended to be continued and made perpetual, subject to such redemption, as aforesaid, (except the necessary charges of raising, collecting, levying, recovering, answering, paying and accounting for the same) shall, from time to time, be brought into the receipt of the exchequer for the uses and purposes in this act prescribed; and shall, from time to time, be fairly and distinctly entred and registred in one or more book or books to be kept in the offices of the auditor of the receipt, and clerk of the pells, severally, for that purpose, to which all persons concerned, at all seasonable times, shall have free access without fee or charge.

All the monies of these duties, after Christmas 1718, appropriated. § Ann. c. 4.

III. And it is hereby also enacted, That all the monies, which from and after the said feast of the birth of our Lord Christ one thousand seven hundred and eighteen shall be brought into the exchequer, or shall be then remaining there, of or for the said several impositions, rates and duties, by this and the said former act of the eighth year of her late Majesty's reign, or either of them, granted or continued, as aforesaid, (except the necessary charges of issuing and applying the said monies to the uses and purposes by this act intended and directed, and rendering the accounts thereof, and after paying or reserving in the exchequer, monies sufficient to pay all arrears of the said pay-tickets due; at and for or before the feast of Saint Michael the archangel one thousand seven hundred and seventeen) shall be and are hereby appropriated, and shall be issued and applied to and for the satisfaction of such several and respective payments as are by this act directed, in their due order, method and form, and with such preferences, and subject to such redemptions, as are in and by this act prescribed of and concerning the same respectively, and without any fee or charge whatsoever to be demanded of, or paid

paid by the respective persons or corporations who are to receive the said monies; and that the respective officers of the exchequer, who shall make any delay in issuing or paying of the same, or shall be guilty of diverting or misapplying any of the said monies, contrary to this act, for any such offence shall be forejudged from their respective offices or places, and be rendered incapable to serve his Majesty, his heirs or successors, in any office or employment of trust or profit whatsoever, and shall also be liable to pay double the value of any sum or sums of money so delayed, diverted or misapplied, to the party grieved; to be recovered by action of debt, or upon the case, bill, suit or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, wager of law, or more than one imparlance shall be granted or allowed.

Penalty on exchequer officers misapplying.

Treasury to appoint managers for the subscriptions, &c. Managers to prepare books for subscriptions. Subscribers to have free access to those books. E X P.

VI. And be it enacted by the authority aforesaid, That such persons or corporations, being proprietors of all or any of the said lottery-annuities, for the said term of twenty three years and three quarters of a year, who are or shall be willing or desirous to accept (in lieu thereof) a share or shares, to be computed after the rate of eleven years purchase and an half, of and in the capital stock of the said company, when it shall be increased, according to the purport and true meaning of this act; and that such persons or corporations being proprietors of all or any part of the said arrears computed for the year and a quarter, ending at the said feast of the birth of our Lord Christ one thousand seven hundred and eighteen, amounting to the sum of one hundred sixty eight thousand seven hundred forty eight pounds and five shillings, as aforesaid, be the same more or less, who are or shall be willing and desirous to accept (in lieu thereof) a share or shares (equal to the amount of such his, her or their arrear) of and in the said increased stock of the said company, shall or may by themselves respectively, or by such person or persons as they respectively shall think fit to employ or intrust in this behalf, subscribe such annuity for the said term of twenty three years and three quarters, and such arrears incurred or to be computed until and for the said feast of the birth of our Lord Christ one thousand seven hundred and eighteen, or any part thereof, under a proper preface or prefaces, in the book or books to be opened for that purpose, as aforesaid, by subscribing their names and places of abode, with other proper additions, within the time before-mentioned.

Proprietors of the lottery-tickets may subscribe them under a proper preface in the books.

A sum attended with annuities of 87, 421, 480 5d. was subscribed in pursuance of this act, and a further sum in pursuance of 6 Geo. 1. c. 4.

Executors, &c. may make subscriptions for testators, &c. Subscribers to indorse their names on the backside of the pay tickets. Pay-tickets so indorsed, to be delivered up, and receipts to be given for them. Bearers of the pay-tickets, &c. to be deemed the lawful owners. Managers by 31 Dec. 1719. to give duplicates of the subscriptions to the auditor of the receipt, and the books with subscriptions to the directors of the South-Sea com-

company. Pay-tickets indorsed, with a duplicate of the books, to be delivered to the auditor. Treasury to transmit attested lists of annuities, &c. not subscribed, to the company's cashier, by 25 March 1720. E X P.

Subscribers entitled to shares in the South-Sea increased stock.

XI. And be it further enacted by the authority aforesaid, That all and every person and persons, natives or foreigners, bodies politick or corporate, by or for whom such subscriptions shall be made as aforesaid, and for which the pay-tickets shall be delivered up as aforesaid, his, her and their executors, administrators, successors and assigns respectively shall have and enjoy, and be entitled to have and enjoy, of and in the said increased capital or joint stock of the said company, such respective shares as are herein after-mentioned, that is to say, for the said term of twenty three years and three quarters of a year, so subscribed, of and in every or any such annuity, a share to be computed after the rate of eleven years and an half, amounting to eleven pounds ten shillings for every twenty shillings *per annum*, and proportionally for such greater or lesser annuities; and for every sum of money so subscribed, as part of the said sum, computed to amount to one hundred sixty eight thousand seven hundred forty eight pounds and five shillings, in arrear as aforesaid, a share equal to the amount of the sum so subscribed; and in respect of such shares shall be deemed and taken to be members of the said corporation of the said governor and company of merchants of *Great Britain* trading to the *South-Seas* and other parts of *America*, and for encouraging the fishery; and be incorporated into the same; and shall, in proportion to the same shares respectively, have and be entitled to the like powers and benefits, privileges and advantages, as other members of the said corporation do or ought to enjoy in respect of their shares in the said stock, (except as herein after is excepted).

Company to pay into the exchequer 778,750 l. for discharging national debts.
6 Geo. 1. c. 10.

XII. And to the end money may be raised to be applied towards discharging the principal and interest of such national debts and incumbrances as are before-mentioned: be it further enacted by the authority aforesaid, That the said corporation shall advance and pay into the receipt of the exchequer, for the purpose last-mentioned, the full sum of seven hundred seventy eight thousand seven hundred and fifty pounds, or so much thereof as shall remain after such deductions, defalcations and abatements as are hereafter in and by this act allowed to be made out of or from the same; such payment to be made by such proportions and at such times as are herein after appointed for payment thereof; (that is to say) one full and equal moiety or half-part thereof on or before the thirtieth day of *July* one thousand seven hundred and nineteen, one full and equal quarter or fourth part of the whole sum on or before the one and thirtieth day of *October* one thousand seven hundred and nineteen, and the remaining full and equal quarter or fourth part of the said whole sum to be paid by the said corporation, and in full payment thereof, on or before the one and thirtieth day of *January* one thousand seven hundred and nineteen,

Times of payment.

XIII. Pro-

XIII. Provided always, and it is hereby declared and enacted by the authority aforesaid, That if all the said lottery-annuities for the said term of twenty three years and three quarters of year, and all the said arrearages, computed to amount to one hundred sixty eight thousand seven hundred forty eight pounds and five shilings as aforesaid, shall not, on or before the said twentieth day of *June* one thousand seven hundred and nineteen, be subscribed as aforesaid, to be converted into stock at the respective rates aforesaid, pursuant to the purport and true meaning of this act, then the said corporation shall be obliged, by virtue of this act, to advance and pay into the said receipt of the exchequer so much of the said sum of seven hundred seventy eight thousand seven hundred and fifty pounds, for the purpose last-mentioned, as shall bear proportion to the lottery-annuities and arrearages so to be subscribed at the respective rates aforesaid, and no more; (that is to say) as the sum of one million seven hundred twenty one thousand two hundred and fifty pounds, being the computed value of all the said lottery-annuities and arrearages, is to the said sum of seven hundred seventy eight thousand seven hundred and fifty pounds, so the value of the said lottery-annuities and arrearages which shall be actually subscribed, being computed at the rates aforesaid, shall be to the sum which the said corporation shall advance, for and towards paying off the said debts and incumbrances; and that such of the said lottery-annuities and arrearages, as shall not be subscribed to be converted into stock as aforesaid on or before the said twentieth day of *June* one thousand seven hundred and nineteen, shall be paid and payable out of the produce of the said duties, at such times and in such manner and course of payment, as the same ought to have been paid, if this act had not been made.

If all the annuities, &c. be not subscribed by 20 June 1719, Company to advance proportionally to the annuities subscribed.

Annuities not subscribed to be paid out of the produce of the duties.

XIV. Provided also, and it is hereby declared and enacted by the authority aforesaid, That out of the first monies of the said sum of seven hundred seventy eight thousand seven hundred and fifty pounds, or of or for the said proportional part thereof, which shall be payable by the said company into the exchequer, pursuant to this act, for paying off debts and incumbrances as aforesaid, the full sum of thirty seven thousand five hundred pounds, or so much thereof as shall bear proportion to the value of the lottery-annuities and arrearages which shall be actually subscribed as aforesaid, at the rates before-mentioned, shall and may be deducted, defalked and recouped to and for the sole use and benefit of the said corporation, and for the sole benefit and advantage of all the members thereof (as well the present members as those to be incorporated into the same company by virtue of this act).

Out of the first money to be paid into the exchequer 37,500 l. or a proportional part, to be deducted for the use of the company.

XV. And whereas by the said act of the third year of his Majesty's reign for redeeming the then fund of the said corporation, it is enacted, That if at any time or times the produce of the duties and revenues therein mentioned should be so low or deficient, as that the money arising thereby at the exchequer should not extend or be sufficient,

How deficiencies shall be made good. 3 Geo. 1. c. 9.

rates, duties and fums of money, as well upon coals, culm and cynders, as upon houfes having twenty windows or more, during the term or terms aforefaid (except as is before excepted) fhall be revived, and be for ever continued, practifed, and put in execution, for raifing, collecting, levying, recovering, answering, paying and accounting for the faid feveral impositions, rates and duties, by this act intended to be continued and made perpetual, for the purpofes in and by this act prefcribed and directed, in the fame manner, and as fully and effectually, as if the fame powers, authorities, rules, directions, penalties, forfeitures, difabilities, claufes, matters and things, were particularly and at large fet down and re-enacted in this act; the faid act of the eighth year of her faid late Majesty's reign, or any other law or ftatute to the contrary notwithstanding; nevertheless the faid feveral impositions, rates, duties and fums of money by this act intended to be continued and made perpetual, as aforefaid, fhall be fubject to fuch provifoes and powers of redemption, as are hereafter in and by this act contained and prefcribed of and concerning the fame.

The money to be paid into the exchequer.

II. And be it further enacted by the authority aforefaid, That all the monies arifing of or for the faid impositions, rates and duties hereby intended to be continued and made perpetual, fubject to fuch redemption, as aforefaid, (except the neceffary charges of raifing, collecting, levying, recovering, answering, paying and accounting for the fame) fhall, from time to time, be brought into the receipt of the exchequer for the ufes and purpofes in this act prefcribed; and fhall, from time to time, be fairly and diftinctly entred and regiftred in one or more book or books to be kept in the offices of the auditor of the receipt, and clerk of the pells, feverally, for that purpofe, to which all perfons concerned, at all feafonable times, fhall have free accefs without fee or charge.

All the monies of thefe duties, after Chriftmas 1718, appropriated.
8 Ann. c. 4.

III. And it is hereby alfo enacted, That all the monies, which from and after the faid feaft of the birth of our Lord Chrift one thoufand feven hundred and eighteen fhall be brought into the exchequer, or fhall be then remaining there, of or for the faid feveral impositions, rates and duties, by this and the faid former act of the eighth year of her late Majesty's reign, or either of them, granted or continued, as aforefaid, (except the neceffary charges of iffuing and applying the faid monies to the ufes and purpofes by this act intended and directed, and rendering the accounts thereof, and after paying or referving in the exchequer, monies fufficient to pay all arrears of the faid pay-tickets due, at and for or before the feaft of Saint *Michael* the archangel one thoufand feven hundred and feventeen) fhall be and are hereby appropriated, and fhall be iffued and applied to and for the fatisfaction of fuch feveral and refpective payments as are by this act directed, in their due order, method and form, and with fuch preferences, and fubject to fuch redemptions, as are in and by this act prefcribed of and concerning the fame refpectively, and without any fee or charge whatfoever to be demanded of, or paid

paid by the respective persons or corporations who are to receive the said monies; and that the respective officers of the exchequer, who shall make any delay in issuing or paying of the same, or shall be guilty of diverting or misapplying any of the said monies, contrary to this act, for any such offence shall be fore-judged from their respective offices or places, and be rendred incapable to serve his Majesty, his heirs or successors, in any office or employment of trust or profit whatsoever, and shall also be liable to pay double the value of any sum or sums of money so delayed, diverted or misapplied, to the party grieved; to be recovered by action of debt, or upon the case, bill, suit or information, in any of his Majesty's courts of record at *Westminster*, wherein no effoin, protection, wager of law, or more than one imparlance shall be granted or allowed.

Penalty on exchequer officers misapplying.

Treasury to appoint managers for the subscriptions, &c. Managers to prepare books for subscriptions. Subscribers to have free access to those books. E X P.

VI. And be it enacted by the authority aforesaid, That such persons or corporations, being proprietors of all or any of the said lottery-annuities, for the said term of twenty three years and three quarters of a year, who are or shall be willing or desirous to accept (in lieu thereof) a share or shares, to be computed after the rate of eleven years purchase and an half, of and in the capital stock of the said company, when it shall be increased, according to the purport and true meaning of this act; and that such persons or corporations being proprietors of all or any part of the said arrears computed for the year and a quarter, ending at the said feast of the birth of our Lord Christ one thousand seven hundred and eighteen, amounting to the sum of one hundred sixty eight thousand seven hundred forty eight pounds and five shillings, as aforesaid, be the same more or less, who are or shall be willing and desirous to accept (in lieu thereof) a share or shares (equal to the amount of such his, her or their arrear) of and in the said increased stock of the said company, shall or may by themselves respectively, or by such person or persons as they respectively shall think fit to imploy or intrust in this behalf, subscribe such annuity for the said term of twenty three years and three quarters, and such arrears incurred or to be computed until and for the said feast of the birth of our Lord Christ one thousand seven hundred and eighteen, or any part thereof, under a proper preface or prefaces, in the book or books to be opened for that purpose, as aforesaid, by subscribing their names and places of abode, with other proper additions, within the time before-mentioned.

Proprietors of the lottery-tickets may subscribe them under a proper preface in the books.

A sum attended with annuities of 37, 42 l. 40 s. was subscribed in pursuance of this act, and a further sum in pursuance of 6 Geo. 1. c. 4.

Executors, &c. may make subscriptions for testators, &c. Subscribers to indorse their names on the backside of the pay tickets. Pay-tickets so indorsed, to be delivered up, and receipts to be given for them. Bearers of the pay-tickets, &c. to be deemed the lawful owners. Managers by 31 Dec. 1719. to give duplicates of the subscriptions to the auditor of the receipt, and the books with subscriptions to the directors of the South-Sea

company. Pay-tickets indorsed, with a duplicate of the books, to be delivered to the auditor. Treasury to transmit attested lists of annuities, &c. not subscribed, to the company's cashier, by 25 March 1720. E X P.

Subscribers entitled to shares in the South-Sea increased stock.

XI. And be it further enacted by the authority aforesaid, That all and every person and persons, natives or foreigners, bodies politick or corporate, by or for whom such subscriptions shall be made as aforesaid, and for which the pay-tickets shall be delivered up as aforesaid, his, her and their executors, administrators, successors and assigns respectively shall have and enjoy, and be entitled to have and enjoy, of and in the said increased capital or joint stock of the said company, such respective shares as are herein after-mentioned, that is to say, for the said term of twenty three years and three quarters of a year, so subscribed, of and in every or any such annuity, a share to be computed after the rate of eleven years and an half, amounting to eleven pounds ten shillings for every twenty shillings *per annum*, and proportionally for such greater or lesser annuities; and for every sum of money so subscribed, as part of the said sum, computed to amount to one hundred sixty eight thousand seven hundred forty eight pounds and five shillings, in arrear as aforesaid, a share equal to the amount of the sum so subscribed; and in respect of such shares shall be deemed and taken to be members of the said corporation of the said governor and company of merchants of *Great Britain* trading to the *South-Seas* and other parts of *America*, and for encouraging the fishery; and be incorporated into the same; and shall, in proportion to the same shares respectively, have and be entitled to the like powers and benefits, privileges and advantages, as other members of the said corporation do or ought to enjoy in respect of their shares in the said stock, (except as herein after is excepted).

Company to pay into the exchequer 778,750 l. for discharging national debts. 6 Geo. 1. c. 20.

XII. *And to the end money may be raised to be applied towards discharging the principal and interest of such national debts and incumbrances as are before-mentioned:* be it further enacted by the authority aforesaid, That the said corporation shall advance and pay into the receipt of the exchequer, for the purpose last-mentioned, the full sum of seven hundred seventy eight thousand seven hundred and fifty pounds, or so much thereof as shall remain after such deductions, defalcations and abatements as are hereafter in and by this act allowed to be made out of or from the same; such payment to be made by such proportions and at such times as are herein after appointed for payment thereof; (that is to say) one full and equal moiety or half-part thereof on or before the thirtieth day of *July* one thousand seven hundred and nineteen, one full and equal quarter or fourth part of the whole sum on or before the one and thirtieth day of *October* one thousand seven hundred and nineteen, and the remaining full and equal quarter or fourth part of the said whole sum so to be paid by the said corporation, and in full payment thereof, on or before the one and thirtieth day of *January* one thousand seven hundred and nineteen,

Times of payment.

XIII. Pro-

XIII. Provided always, and it is hereby declared and enacted by the authority aforesaid, That if all the said lottery-annuities for the said term of twenty three years and three quarters of year, and all the said arrearages, computed to amount to one hundred sixty eight thousand seven hundred forty eight pounds and five shilings as aforesaid, shall not, on or before the said twentieth day of *June* one thousand seven hundred and nineteen, be subscribed as aforesaid, to be converted into stock at the respective rates aforesaid, pursuant to the purport and true meaning of this act, then the said corporation shall be obliged, by virtue of this act, to advance and pay into the said receipt of the exchequer so much of the said sum of seven hundred seventy eight thousand seven hundred and fifty pounds, for the purpose last-mentioned, as shall bear proportion to the lottery-annuities and arrearages so to be subscribed at the respective rates aforesaid, and no more; (that is to say) as the sum of one million seven hundred twenty one thousand two hundred and fifty pounds, being the computed value of all the said lottery-annuities and arrearages, is to the said sum of seven hundred seventy eight thousand seven hundred and fifty pounds, so the value of the said lottery-annuities and arrearages which shall be actually subscribed, being computed at the rates aforesaid, shall be to the sum which the said corporation shall advance, for and towards paying off the said debts and incumbrances; and that such of the said lottery-annuities and arrearages, as shall not be subscribed to be converted into stock as aforesaid on or before the said twentieth day of *June* one thousand seven hundred and nineteen, shall be paid and payable out of the produce of the said duties, at such times and in such manner and course of payment, as the same ought to have been paid, if this act had not been made.

If all the annuities, &c. be not subscribed by 20 June 1719, Company to advance proportionally to the annuities subscribed.

Annuities not subscribed to be paid out of the produce of the duties.

XIV. Provided also, and it is hereby declared and enacted by the authority aforesaid, That out of the first monies of the said sum of seven hundred seventy eight thousand seven hundred and fifty pounds, or of or for the said proportional part thereof, which shall be payable by the said company into the exchequer, pursuant to this act, for paying off debts and incumbrances as aforesaid, the full sum of thirty seven thousand five hundred pounds, or so much thereof as shall bear proportion to the value of the lottery-annuities and arrearages which shall be actually subscribed as aforesaid, at the rates before-mentioned, shall and may be deducted, defalked and recouped to and for the sole use and benefit of the said corporation, and for the sole benefit and advantage of all the members thereof (as well the present members as those to be incorporated into the same company by virtue of this act).

Out of the first money to be paid into the exchequer 37,500 l. or a proportional part, to be deducted for the use of the company.

XV. And whereas by the said act of the third year of his Majesty's reign for redeeming the then fund of the said corporation, it is enacted, That if at any time or times the produce of the duties and revenues therein mentioned should be so low or deficient, as that the money arising thereby at the exchequer should not extend or be sufficient,

How deficiencies shall be made good. 3 Geo. 1. c. 9.

3 Geo. 1. c. 7.
9 Ann. c. 6, 23.
10 Ann. c. 19,
26.

3 Geo. 1. c. 9.

according to that act, to pay and discharge or to complete the payment at the end of any quarter of a year, of all the money which should be then due, as well for or upon the above-mentioned yearly fund of five hundred thousand pounds and the above-mentioned yearly sum of eight thousand pounds, then and so often and in every such case, the deficiency of any such quarter should and might be supplied out of the overplus monies of the said duties and revenues arising in any subsequent quarter; and in default thereof by the space of half a year, then all and every such deficiency and deficiencies should be supplied and made good from time to time by or out of the general yearly fund by another act of that session of parliament established or intended to be established for redeeming the duties and revenues then charged or chargeable in and by several lottery-acts of the ninth and tenth years of her said late Majesty's reign, and certain annual payments out of the hereditary excise in the said act of that session mentioned, or out of money to be raised at the exchequer for purchasing an annuity or annuities after a rate not exceeding five pounds per centum per annum, for every such deficiency; which annuity or annuities should, by virtue of the said act, be charged on the said general yearly fund, and be payable and transferrable at the bank of England, as other annuities payable out of the said general yearly fund were intended by the said other act of the said session to be payable and transferrable until the redemption thereof by parliament, as by the said act of the third year of his Majesty's reign for redeeming the then fund of the said corporation may more fully appear: now it is hereby further provided, declared and enacted, That out of the first payment of the said sum of seven hundred seventy eight thousand seven hundred and fifty pounds, or of or for the said proportional part thereof, to be paid by way of advance into the exchequer as aforesaid, so much as at the twenty-fourth day of June one thousand seven hundred and nineteen shall be deficient to make good the sums then incurred and grown due for or upon the said yearly fund of five hundred thousand pounds, and for or upon the said yearly sum of eight thousand pounds mentioned in the said former act, and for and upon the additional or increased yearly fund and yearly sum by this act intended to be paid to the said company, or such part of the same deficiencies as shall bear proportion to the value of the lottery-annuities and arrearages which shall be actually subscribed as aforesaid, at the rates before-mentioned, pursuant to this act, shall and may be deducted, defalked and recouped for or towards satisfying and making good the said deficiencies of the said yearly funds and yearly sums so growing due at or before the said twenty fourth day of June one thousand seven hundred and nineteen; and that out of each subsequent payment of the said sum of seven hundred seventy eight thousand seven hundred and fifty pounds, or of or for the said proportional part thereof, to be paid by way of advance into the exchequer as aforesaid, so much as at and for the quarter-day next preceding the respective times hereby limited, for making those subsequent payments respectively, shall be deficient to make good the sums then incurred and grown due for or upon the said yearly funds and

and

and yearly sums by this and the said former act payable to the said corporation, such part of the same deficiencies as shall bear proportion to the value of the lottery-annuities and arrearages which shall be actually subscribed as aforesaid, at the rates before-mentioned, pursuant to this act, shall and may be deducted, defalked and recouped for or towards satisfying and making good the said deficiencies of the said yearly funds and yearly sums so growing due at or upon the quarter-day next preceding the respective times by this act prescribed for making each subsequent payment by the said corporation as aforesaid.

XVI. And be it further enacted by the authority aforesaid, That in case the said corporation of the *South-Sea* company shall make failure in payment of the said sum of seven hundred seventy eight thousand seven hundred and fifty pounds, or of the said proportional part thereof, at the days and times hereby limited for the payment of the same, having such deductions, defalcations and abatements as by this act are prescribed, then the money whereof such failure in payment shall be made, shall and may be recovered in his Majesty's name for the purpose before-mentioned, by action of debt or upon the case, bill, suit or information in any his Majesty's courts of record at *Westminster*, wherein no esoin, protection, privilege or wager of law shall be allowed, or more than one imparlance; in which action, bill, suit or information it shall be lawful to declare, That the governor and company of merchants of *Great Britain* trading to the *South-Seas* and other parts of *America*, and for encouraging the fishery, are indebted to the King's majesty the money of which they shall have made default in payment, according to the form of this statute, and have not paid the same, which shall be sufficient; and in or upon such action, bill, suit or information there shall be further recovered for the purpose aforesaid, against the defendants, damage after the rate of ten pounds *per centum per annum*, for the monies so unpaid contrary to this act; and the said corporation and their stock and funds shall be and are hereby made subject and liable thereunto.

Company making failure of payment may be sued.

XVII. And be it further enacted by the authority aforesaid, That the said value computed at the said rate of eleven years and a half's purchase, for the said term of twenty three years and three quarters of a year, of and in the said lottery-annuities, or so many of them as shall be actually subscribed, pursuant to this act, on or before the said twentieth day of *June* one thousand seven hundred and nineteen, and the said arrearages for one year and a quarter, computed to amount to one hundred sixty eight thousand seven hundred forty eight pounds and five shillings as aforesaid, or so much thereof as shall be actually subscribed pursuant to this act, at any time or times on or before the said twentieth day of *June* one thousand seven hundred and nineteen, and also the said sum of seven hundred seventy-eight thousand seven hundred and fifty pounds, or so much thereof as shall be actually advanced within the respective times before limited in that behalf by the said corporation (including there-

The annuities, &c. subscribed, to be united to the capital stock.

Treasury to compute the additional stock.

Every member to have credit in the books for his share in the increased stock, from 25 Dec. 1718.

The company to have 5 l. per cent. for the increased stock.

The said annuity of 5 l. per cent. to commence from Christmas 1718, and be paid quarterly.

in the deductions by this act allowed to be made out of the same for the respective causes and purposes aforesaid) shall be and be deemed an additional stock of the said corporation, and shall be united to the present capital stock of ten millions now belonging to the said corporation: and the said present and increased stock so united, shall be and be called the capital stock of the said corporation, and the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being shall, and they are hereby impowered and required to cause the sum total of the said additional stock to be computed and adjusted, as soon as it can conveniently be known and adjusted, and to declare and determine the same by an instrument in writing under his or their hands and seals, which shall be entered in the proper book or books of the said corporation; and that every member of the said corporation (as well those to be incorporated into the same, by virtue of this act, as all other members thereof) shall, from and after the twenty-fifth day of *December* one thousand seven hundred and eighteen, have credit in the books of the said corporation, for his, her or their proportion or share of and in the whole capital or joint stock of the said corporation so increased, and of and in all the dividends, profits and advantages whatsoever to attend the same, except as herein after is otherwise provided.

XVIII. And be it further enacted by the authority aforesaid, That the said governor and company of merchants of *Great Britain*, and their successors, shall have, receive and enjoy, and be intitled by virtue of this act to have, receive and enjoy, for the said additional stock, to be computed, adjusted and determined, as aforesaid, an annuity or yearly fund, after the rate of five pounds *per centum per annum*, which shall be and is hereby declared and enacted to be united to and consolidated with their said present annuity or fund of five hundred thousand pounds *per annum*, and the said yearly funds so united shall be and be called the increased yearly fund of the said governor and company.

XIX. And it is hereby enacted, That the said annuity, after the rate of five pounds *per centum per annum*, for the said additional stock, shall commence and be reckoned to commence from the feast of the birth of our Lord Christ one thousand seven hundred and eighteen, and have relation from that time in point of payment, when the same shall be adjusted, as aforesaid, and that so much thereof as shall be payable to the said governor and company for the said sum of seven hundred seventy eight thousand seven hundred and fifty pounds, or the proportional part of the same, which shall be actually advanced by them (including therein the deductions by this act allowed to be made thereout, as aforesaid) shall be payable, and be accounted to grow due to the said governor and company, and their successors, and be paid to them or their cashier for their use, at and for the four most usual feasts in the year, that is to say,

by, The feasts of the annunciation of the blessed virgin *Mary*, the nativity of *St. John Baptist*, *St. Michael* the archangel, and the birth of our Lord Christ, by even and equal portions, or within twenty days after every of the said feast-days until the redemption thereof by parliament, according to the provisos and powers of redemption herein after contained; the first of the said quarterly payments to become due and payable at *Lady-day* by one thousand seven hundred and nineteen; and that so much at *Lady-day* of the said additional annuity or yearly fund, after the rate of ^{1719.} five pounds *per centum per annum*, as shall be payable to the said company in respect of the said lottery-annuities and arrearages thereof which shall be actually subscribed, as aforesaid, shall be accounted due to the said governor and company, and their successors, and shall be paid and payable to them, or to their cashier for the time being, for their use, at such times, and by such proportions at a time, and in such manner and form, as the pay-tickets for the lottery-annuities and arrearages so subscribed, were payable, or ought to have been satisfied out of the above-mentioned fund of one hundred thirty five thousand pounds *per annum*, if the payment thereof had continued upon the foot of the said former act; and that the said governor and company of merchants of *Great Britain*, and their successors, shall have, receive and enjoy, and be entitled by virtue of this act, to have, receive and enjoy, for or towards the charge of management of the affairs of the said corporation, an additional yearly sum of two thousand pounds, or an additional yearly sum, being the same proportion to two thousand pounds *per annum*, the said additional stock of the said corporation, when it shall be adjusted and determined pursuant to this act, shall bear to the said millions and five hundred thousand pounds, without being obliged to render an account of the said charges, or any of them, such yearly sum of two thousand pounds, or such lesser proportional sum so to be paid by virtue of this act, shall be and is hereby declared and enacted to be united to, and joined with the present yearly sum of eight thousand pounds allowed to the said corporation for such charges.

XX. And it is hereby enacted, That the said additional sum of two thousand pounds *per annum*, or such lesser proportional sum for charges of management, shall commence and be reckoned to commence from the said feast of the birth of our Lord Christ one thousand seven hundred and eighteen, and shall have effect from that time in point of payment, when the same shall be paid, as aforesaid, and shall be payable and accounted due to the said governor and company, and their successors, and be paid to them or their cashier for the time being, for their use, at the four most usual feasts in the year before-mentioned, by even and equal portions, or within twenty days after every of the said feast-days, until the redemption thereof by parliament, according to the provisos and powers of redemption herein aforesaid.

2000 l. per annum, or a proportional part, for management.

The 2000 l. for management to commence from Christmas 1718.

XXI. And

The additional annuity, &c. to be charged on the duties on coals and houses.

XXI. And it is hereby enacted, That as well the said additional annuity or yearly fund, after the rate of five pounds *per centum per annum*, to be computed upon the said additional stock, to be adjusted and determined, as aforesaid, as also the said additional yearly sum of two thousand pounds, or such lesser proportional sum, to be allowed to the said corporation for charges of management, as aforesaid, shall be, and the same by force and virtue of this act are charged and chargeable upon, and made payable out of the monies from time to time arising at the receipt of the exchequer of or for the said duties upon coals, culm and cynders, and of and for the said duties on houses, at such times, and in such course, method and form, as are before in this act prescribed in that behalf.

How the unsubscribed lottery-annuities shall be paid.
3 Ann. c. 4.

XXII. Provided always, That so much of the above-mentioned fund of one hundred thirty five thousand pounds *per annum*, as by virtue of the act first above recited, was and is applicable to the payment of such of the said lottery-annuities and arrearages thereof, as shall not be actually subscribed to be converted into the stock of the said company, on or before the said twentieth day of *June* one thousand seven hundred and nineteen (the same unsubscribed lottery-annuities being computed in proportion to the amount of all the annuities now payable out of and charged upon the said yearly fund of one hundred thirty five thousand pounds) shall continue to be issued and applied to and for the payment and satisfaction of such unsubscribed lottery-annuities for the residue of the said term of thirty two years, and the arrearages thereof, and the pay-tickets for the same, as fully and effectually, and in as ample manner and form, as such part of the said yearly fund of one hundred thirty five thousand pounds ought to have been issued and applied thereunto, if this present act had not been made; this present act or any thing herein contained to the contrary notwithstanding: and the commissioners of his Majesty's treasury now being, and the high treasurer, and commissioners of the treasury of his Majesty, his heirs and successors, for the time being, are hereby authorized and strictly required to issue their warrants and orders, from time to time, for payment as well of the monies which shall become due and payable to the said corporation, as of the monies which ought to be issued and applied for discharging such unsubscribed tickets (if any such shall be) accordingly.

How the deficiency of any quarter shall be supplied, &c.
3 Geo. 1. c. 9.
3 Ann. c. 4.

XXIII. And it is hereby declared and enacted by the authority aforesaid, That if at any time or times after the twenty-fifth day of *December* one thousand seven hundred and nineteen, the produce of all the duties and revenues by the said act of the third year of his Majesty's reign, for redeeming the then yearly fund of the said corporation, and the proportion of the duties and revenues by the said act of the eighth year of her said late Majesty's reign, granted and continued, and by the said acts, and this act, or any of them, appropriated or intended for payment of the whole united yearly fund and yearly sums intended by this and the said last mentioned act of the third year of his Majesty's

ty's reign, to be paid to the said governor and company, and
 their successors, shall be so low or deficient in the payment there-
 of into the exchequer, as that the same shall not be sufficient to
 pay and discharge, or to compleat the payment at the end of any
 quarter of a year, of all the monies which shall be then due and
 payable to the said corporation, as well for and upon the said
 present yearly fund of five hundred thousand pounds, and the
 said yearly fund of eight thousand pounds, as upon the said in-
 creased yearly fund of the said corporation, after the rate of five
 pounds *per centum per annum*, for their additional stock, as afore-
 said, and for and upon the increased yearly sum of two thousand
 pounds, or a proportional part thereof, as aforesaid, to be paid
 for charges of management, shall not extend or be sufficient for
 those purposes, then and so often, and in every such case, the
 deficiency of any such quarter shall and may be supplied out of
 the overplus monies of the said duties and revenues, every or
 any of them, arising in any subsequent quarter; and in default
 hereof by the space of half a year, then all and every such de-
 ficiency and deficiencies shall be supplied and made good, from
 time to time, by or out of the said general yearly fund by the
 said other act of the third year of his Majesty's reign, establish-
 ed or intended to be established, as aforesaid, or out of money
 to be raised at the exchequer for purchasing an annuity or annu-
 ities after a rate not exceeding five pounds *per centum per annum*,
 for every such deficiency; which annuity or annuities shall, by
 virtue of this act, be charged on the said general yearly fund,
 and be payable and transferrable at the bank of *England*, as other
 annuities payable out of the said general yearly fund are intend-
 ed by the said other act of the third year of his Majesty's reign, Geo. 1. c. 7.
 to be payable and transferrable, until the redemption thereof
 by parliament; and if at any time or times any such deficiency
 shall be paid to the said corporation by such annuity or annu-
 ities charged on the said general yearly fund, the discount of
 such annuity or annuities which shall be necessary for convert-
 ing the same into ready money (if any such discount shall hap-
 pen) shall, by order of the commissioners of the treasury, or three
 or more of them, or high treasurer for the time being, be satisfac-
 ed to the said corporation out of the same general yearly fund, or
 out of money to be raised at the exchequer for purchasing a like
 annuity or annuities at the same rate, to be charged on the same
 general yearly fund, and to be payable and transferrable as afore-
 said, until the redemption thereof by parliament: and for the
 better and more regular payment of all monies intended by the
 said act of the third year of his Majesty's reign, for redemption
 of the then yearly fund of the said corporation, to be paid to the
 same, subject nevertheless to such redemption, as aforesaid, the
 commissioners of the treasury, or the high treasurer for the time
 being, are hereby empowered and required to sign and issue out
 such order and orders for payment of all such sum and sums of
 money as by this or the said last mentioned act are or shall be-
 come due and payable to the said corporation, and also for rais-
 ing

ing out of and upon the said general yearly fund established by the said recited act of the third year of his Majesty's reign, so much as shall be requisite and necessary to pay to the said corporation all such deficiency and deficiencies as are in and by this act directed to be paid to them; and after signing such order or orders the same shall be firm, good, valid and effectual in the law, according to the purport and true meaning thereof, and of this act, and shall not be determinable by or upon the death and removal of any commissioner or commissioners of the treasury, or high treasurer, or under-treasurer for the time being, or by or upon the determination of the power, office and offices of them, or any of them; nor shall any commissioner of the treasury, or high treasurer for the time being, have any power to revoke, countermand, or make void such order or orders so signed, as aforesaid.

How the deficiency of any year shall be supplied.

XXIV. And be it further enacted by the authority aforesaid, That if at any time or times the produce of the said duties on coals, culm and cynders, and of the said duties on houses, shall be so low and deficient as that at the end of any year (reckoning the same to end at *Michaelmas* yearly) the proportion of the said yearly fund of one hundred thirty five thousand pounds, applicable by this act for or towards the discharging of the said unsubscribed pay-tickets then payable, shall not be sufficient for that purpose, then every such deficiency shall be supplied and made good, from time to time, out of the first aid to be granted in parliament, next after such deficiency shall appear, and shall, from time to time, be transferred thereunto, as soon as the same shall be granted, according to the purport and true meaning of the said former act in that behalf.

All annual surplusses to be reserved for the use of the publick.

XXV. Provided always, and be it further enacted, That in case there shall be any surplus or remainder of the monies arising by the said duties on coals; culm and cynders, and the said duties on houses, at the end of any one year (reckoning the same to end at *Michaelmas* yearly) after all the said yearly and other sums directed or authorized by this act, and then or before that time incurred and become due or in arrear, shall be fully satisfied, paid and discharged or money sufficient shall be reserved for that purpose, such surplus or remainder shall from time to time be reserved for the use of the publick, and shall not be issued or disposed but by authority of parliament.

The shares to be personal estates.

XXVI. And be it further enacted by the authority aforesaid, That the share and interest of every member of the said corporation, of and in the present capital stock of the same, and of and in the increase of such capital, to be had and made in pursuance of this act, and of and in the said annuity and annuities, after the rate of five pounds *per centum per annum*, payable or to be paid for the same to the said corporation, and of and in the said eight thousand pounds and two thousand pounds *per annum*, or a proportionable part of the said two thousand pounds *per annum*, by this act payable for management, shall be and be adjudged

igned to be a personal and not a real estate, and shall go to the executors or administrators of the respective persons dying possessed thereof or entitled thereunto, and not to the heirs of such persons; any law, custom or usage to the contrary notwithstanding; and that the respective members of the said company, who shall have a share or interest in the present capital stock or increased stock thereof, as well for and in respect of the said lottery-annuities and arrears thereof, which shall be subscribed as aforesaid, as for or in respect of the said sum of seven hundred twenty eight thousand seven hundred and fifty pounds, or such proportional part thereof as shall be actually paid by the said corporation into his Majesty's exchequer as aforesaid, (including therein such deductions, abatements and recoupments as are allowed or permitted to be made by the said corporation as aforesaid) shall and may assign and transfer such share or interest, or any part thereof, in the books of the said company, in such the like method, manner and form as are prescribed by the Statute or acts of parliament and charter now in force, for assignments or transfers of original stock to be made in the books of the said company; or shall or may dispose or devise the same or any part thereof by will, in such manner and form as any share of the original stock of the said company is deviseable.

Shares trans-
ferrable and
deviseable.

XXVII. And be it further enacted by the authority aforesaid, That as well the several annual and other sums payable at the exchequer to the said governor and company and their successors, by virtue of this and the said former act of the third year of his Majesty's reign for redeeming the then fund of the said governor and company, and either of them, and the shares, parts or interests of the several members of and in the same, and in the said present capital stock and increased capital stock of the said governor and company, and of and in the benefit of the same annexed thereunto, and the stock in trade or money to be used for that purpose, during the continuance of the same, shall be and are hereby exempted from all taxes, rates and impositions whatsoever, by act of parliament or otherwise; any law or statute made or to be made to the contrary notwithstanding: and that no person, in respect of his being governor, sub-governor, deputy-governor, director, manager or a member of the said company, or for having any stock or share therein, or by reason of his being named or acting as a manager or director or otherwise, for taking the said subscriptions, or for any other matter or thing to be by him done or performed by or in pursuance of this act only, shall be now or at any time hereafter disabled from being or continuing, or from being elected or serving as a member of parliament, nor be liable or subject to any penalty, forfeiture or disability prescribed by any other act or Statute of parliament for not qualifying himself to execute his trust or in pursuance of this act, as persons who shall take or execute any office or place of profit or trust are subject and liable unto by any the laws now in force; and that all and every

These annuities to be tax-free.
3 Geo. 1. c. 9.

No governor, &c. disabled from being a member of parliament,

or liable to any penalty or disability for not qualifying himself, &c.

or any such person or persons may be subscribers to the said increased stock; any law or statute to the contrary notwithstanding: nor shall he or be adjudged liable to be a bankrupt, within the intent or meaning of all or any of the statutes made against or concerning bankrupts; and that no stock in the said company shall be subject and liable to any foreign attachment by the custom of the city of *London*, or otherwise; any law, statute, usage or custom to the contrary notwithstanding.

Transfers not liable to higher stamps.

XXVIII. And it is hereby enacted, That all the transfers or assignments of the present capital stock or increased stock, in the books of the said company, shall not hereafter be or be made liable to any higher or greater stamp or other duties, than are now payable for the same.

Sealed bonds to charge all the several funds and stock.

XXIX. And be it further enacted, That all bonds or obligations under the common seal of the said company shall charge as well the annual fund and additional fund payable to the said company by virtue of this act, as the present stock and additional stock and other effects and estates of the said company for the time being; and that all such bonds and obligations shall be assignable, and the monies thereupon shall be recoverable as effectually and in as ample manner and form, as any their bonds taken upon the said former act might be assigned, or the money due thereupon might be recovered.

Such bonds not chargeable with the stamp-duties.

XXX. And be it enacted by the authority aforesaid, That all such contracts, bills, bonds, obligations or securities under the common seal of the said corporation shall not be chargeable with any the duties upon stamp vellum, parchment or paper; any former law, statute, prohibition, restriction or other matter or thing whatsoever to the contrary notwithstanding.

Company to continue a body politick.

XXXI. And it is hereby declared and enacted by the authority aforesaid, That the said governor and company of merchants of *Great Britain*, and their successors for ever, shall remain, continue and be one body corporate and politick, by the name of the governor and company of merchants of *Great Britain* trading to the *South-Seas* and other parts of *America* and for encouraging the fishery, and shall have, hold, receive and enjoy the said yearly fund of five hundred thousand pounds and the said additional yearly fund, after the rate of five pounds *per centum per annum*, to be added thereunto (by way of increase) as aforesaid; and the said yearly sum of eight thousand pounds and the yearly annuity of two thousand pounds, or such proportional part thereof as aforesaid, to be added thereunto (by way of increase for management) pursuant to this act, until the said yearly funds and yearly sums shall respectively be redeemed according to this act; and shall have, hold and enjoy all their forts, factories, acquisitions, lands, tenements, hereditaments, sole benefit of trade in and to the *South-Seas* and elsewhere, with a perpetual succession, and all abilities, capacities, powers, authorities, franchises, exemptions, privileges, profits and advantages whatsoever, whereunto the said governor and company are or before the making of this act were entitled by any act or acts

And to enjoy all their privileges, &c.

f parliament, grant or charter now in force, (all which are by this act ratified, confirmed and made effectual to them and their successors) freed and discharged of and from all former provisions, powers, acts, matters and things whatsoever for redeeming, determining or making void the same or any of them; subject nevertheless to the several and respective provisos and powers of redemption of the said yearly funds and yearly sums hereafter in this act contained.

Subject to the power of redemption.

XXXII. Provided also, and it is hereby enacted by the authority aforesaid, That upon one year's notice to be given by authority of parliament at the feast of the nativity of Saint John Baptist which shall be in the year of our Lord one thousand seven hundred and twenty three, or at any of the said quarterly fast-days after the said feast of the nativity of Saint John Baptist one thousand seven hundred and twenty three, and upon repayment by parliament to the said governor and company of merchants of Great Britain of the whole sum whereof the said capital stock of ten millions, with the said stock to be added thereunto, (by way of increase as aforesaid) shall then consist, according to such notice, without deduction, discount or abatement whatsoever to be made out of the same, or any part thereof, and upon payment of all arrears of the said yearly fund of five hundred thousand pounds, and of the said additional fund, after the rate of five pounds *per centum per annum*, to be added hereunto by way of increase as aforesaid, and of the said yearly sum of eight thousand pounds and of the said yearly annuity of two thousand pounds, or such proportional part thereof as aforesaid, for management, to be added thereunto pursuant to this act (if any such arrear or arrears shall be then due) then the said yearly fund of five hundred thousand pounds and the said additional yearly fund, after the rate of five pounds *per centum per annum*, and the said yearly sum of eight thousand pounds, and the yearly annuity to be added thereunto by way of increase for management as aforesaid, shall from thenceforth cease and determine.

On one year's notice after 24 June 1723, and on repayment, &c. the yearly fund of 500,000 l. and the additional yearly fund, &c. to cease.

XXXIII. And in regard it is intended, That after the twenty fourth day of June one thousand seven hundred and twenty three the principal or sum total of the said capital or increased stock of the said company, consisting of ten millions and the addition to be made thereunto as aforesaid, may be satisfied to the said governor and company by any payments (not being less than one million of lawful money of Great Britain at a time) and that as the same principal monies shall be paid off, the said yearly sum of five hundred thousand pounds, and the said additional yearly fund, after the rate of five pounds *per centum per annum*, to be added thereunto as aforesaid, shall from time to time proportionally sink and be abated: be it therefore further provided and enacted by the authority aforesaid, That if at any time or times at or after the said twenty-fourth day of June one thousand seven hundred and twenty three, notice shall be given by authority of parliament for redemption of the said yearly fund of five hundred thousand pounds and the yearly fund which

If notice be given by parliament after 24 June 1723, for redemption, and payment be made (not less than 1000,000 l.) then so much of the increased fund shall be abated.

shall be added thereunto as aforesaid, and the said yearly sum of eight thousand pounds and the additional annuity which shall be added thereunto as aforesaid; and if payment, according to such notice, be made by parliament to the said governor and company of merchants of *Great Britain*, or their successors, of any sum or sums of money (not being less than one million at a time) in part of the principal monies whereunto the said sum of ten millions and the stock to be added thereunto, by virtue of this act, shall jointly amount; and also if payment be made of all the arrearages then due to them of the increased yearly fund and increased yearly sum, or so much of those arrearages as shall bear a proportion to the principal monies from time to time remaining unsatisfied, being computed by the day until the time of every such payment of part of the principal respectively, then, from and after every such payment so made to the said governor and company, and their successors, so much of the said increased yearly fund, (consisting of five hundred thousand pounds, with such addition as aforesaid) as shall bear proportion to the monies so paid in part of the said principal, shall cease and determine and be abated; any thing in this or any former act or acts of parliament contained, or other matter or thing whatsoever to the contrary notwithstanding.

After redemption the several duties, impositions, &c. shall be understood to be redeemed by parliament:

But the corporation shall continue for ever.

XXXIV. Provided also, and it is hereby further enacted by the authority aforesaid, That from and after the redemption of all the said yearly fund of five hundred thousand pounds and of the additional yearly fund which is to be joined to the same as aforesaid, and of the said yearly sum of eight thousand pounds, and the yearly sum which is to be added thereunto for management as aforesaid, by payments to be made according to the several and respective provisos or conditions of redemption in this act contained of or concerning the same, then and not till then the several duties, impositions, additional impositions and revenues, and all proportional parts of them or any of them, which are chargeable therewith, shall be understood to be redeemed by parliament, and shall not be issued, paid or applied to any use, intent or purpose whatsoever without authority of parliament; nevertheless the said corporation, by the name aforesaid, shall for ever remain, continue and be one body corporate and political, and shall have, hold and enjoy all their forts, factories, acquisitions, lands, tenements, hereditaments, sole benefit of trade in and to the *South-Seas* and elsewhere, and also all the lands, tenements and hereditaments that are or shall be by them purchased in *Great Britain*, not exceeding one thousand pounds *per annum*, with perpetual succession, and all abilities, capacities, powers, authorities, franchises, exemptions, privileges, profits and advantages whatsoever whereunto the said governor and company are or before the making this act were entitled by any act or acts of parliament, grants or charters now in force; all which are by this act ratified, confirmed and made effectual to them and their successors; and the said governor and company and the members thereof, without having any share or interest

erest in the said yearly funds, payments or annuities, or any of them, after the same shall be redeemed, shall have and be entitled to the sole benefit of trade in and to the *South-Seas* and elsewhere, and such power of trade in the fishery, as by any act or Acts of parliament now in force is directed, and all other benefits, privileges and advantages (the said respective annuities to them suing or payable after such redemption as aforesaid only excepted) as if no such redemption were had or made; any thing in this act contained to the contrary notwithstanding.

XXXV. And it is hereby declared and enacted by the authority aforesaid, That all and every the abilities, capacities, powers, authorities, exemptions, franchises, privileges, profits and advantages whatsoever, and all pains of death and other penalties, forfeitures and disabilities, and all rules, directions, methods, articles, matters and things whatsoever, which by any former act or acts of parliament, or any clause or clauses therein, or any charter or charters under the great seal of *Great Britain*, are enacted, granted or established to, for, touching or concerning the said corporation of the governor and company of merchants of *Great Britain* trading to the *South-Seas* and other parts of *America* and for encouraging the fishery, or the members of the same (being in force at or until the time of making of this act, and not hereby determined or altered) shall for ever continue, and be practised and put in execution for securing and paying the yearly funds, annuities and payments by this act directed, subject to the provisos for redemption thereof in this act contained, and also (as well after such redemption as before) for securing the possessions, trade and business of the said corporation, and for their advantage in all respects, as fully and effectually, to all intents and purposes, as if the said abilities, capacities, powers, authorities, exemptions, franchises, privileges, profits and advantages, and the said pains of death and other penalties, forfeitures and disabilities, and the said benefit of trade, rules, directions, methods, articles, matters and things, were severally repeated and at large re-enacted in the body of this present act.

All the powers of former acts or charters continued for ever.

XXXVI. And it is hereby declared and enacted by the authority aforesaid, That any vote or resolution of the house of commons, signified by their speaker in writing, to be delivered at the publick office of the said governor and company of merchants of *Great Britain* trading to the *South-Seas*, shall be deemed and adjudged to be sufficient notice within the words and meaning of this act, for redeeming the said yearly funds or annuities pursuant to the proviso or provisos of redemption in this act contained, and at the respective time or times therein mentioned; any thing herein contained to the contrary notwithstanding.

A vote of the house of commons, signified by their speaker, to be sufficient notice for redemption.

XXXVII. Provided always, and be it enacted by the authority aforesaid, That it shall and may be lawful for the said governor and company, and their successors, in a general court of

Company in a general court may declare how the pro-

portion of the increased stock shall be disposed of.

the said company to declare and appoint how and in what manner the proportion of the said intended to be increased stock, which the said governor and company shall be entitled unto, for or in respect of the said sum of seven hundred seventy eight thousand seven hundred and fifty pounds, or in respect of the proportional part thereof, which shall be actually paid into the receipt of his Majesty's exchequer in pursuance of this act (including therein such deductions, defalcations, recouplements or abatements, as are in and by this act directed to be made) shall or may be disposed of, either for and on the account of the proprietors of the present capital stock or of the whole increased capital stock of the said corporation, as their general court shall think fit, in proportion to their respective shares and interests in the said capital stock; any thing herein contained to the contrary notwithstanding.

How proprietors of pay-tickets, who have aliened their interest for one or more years, are to subscribe.

XXXVIII. *And whereas several of the proprietors of the said pay-tickets may have sold, aliened or disposed of their interest in one, two or three years succeeding payments of such pay-tickets, part of those comprehended in the said term of twenty three years and three quarters of a year, or of the said one year and a quarter's arrear: it is hereby provided and further enacted by the authority aforesaid, That such proprietors, having all the other pay-tickets for the residue of the said term of twenty three years, and three quarters of a year, or for the residue of the said one year and a quarter, may subscribe that whole term of and in the said annuity or annuities, and all the pay-tickets for the same, paying to the person or persons to be appointed to receive and take in the said pay-tickets the full amount of such pay-ticket or tickets so sold, aliened or disposed; which person or persons shall pay the same into the receipt of his Majesty's exchequer, in trust, to pay and satisfy such person or persons as shall have a right to and be in possession of such pay-tickets, when those tickets respectively shall become due, and delivering up all the rest of the pay-tickets for the term so subscribed for, as in this act is before prescribed; any thing herein contained to the contrary notwithstanding.*

8 Ann. c. 4.

Duplicates to be made of pay-tickets lost, burnt or destroyed.

XXXIX. *And whereas several of the said pay-tickets made forth in pursuance of the said act of the eighth year of her late Majesty's reign have, by casualty or mischance, been lost, burnt or otherwise destroyed: be it therefore enacted by the authority aforesaid, That in all cases where it shall appear by affidavit to be made before the lord chief baron, or before any of the barons of the coif of his Majesty's court of exchequer for the time being, (who shall interrogate the deponent thereupon) to the satisfaction of such baron or barons, that any such ticket or tickets as aforesaid, before the tenth day of June one thousand seven hundred and nineteen shall have been or are lost, burnt or otherwise destroyed, it shall and may be lawful for the commissioner of the transfer-office, appointed pursuant to the said act of the eighth year of her late Majesty's reign, and the paymaster of such tickets, or either of them, upon producing a certificate from any the said barons of such affidavit made before him or them* (which

(which affidavit the said barons or any of them is and are hereby authorized to take, and which certificate he or they are hereby required to make and grant without fee or reward) and on security given to the good liking of the said commissioner and paymaster to indemnify his Majesty against all other persons whatsoever, for and concerning the monies specified in or due upon such ticket or tickets, to make forth duplicates of the tickets so lost, burnt or destroyed at the request of the respective owners thereof; and that the same duplicates shall be of the like validity and have the same effect as the original tickets would have had, if they had not been lost, burnt or destroyed, and may be subscribed into the said increased stock as aforesaid.

XL. Provided always, and it is hereby enacted by the authority aforesaid, That out of the said monies which shall from time to time arise at the receipt of the exchequer for payment of debts and incumbrances incurred before the twenty fifth day of *December* one thousand seven hundred and sixteen as aforesaid, it shall and may be lawful to and for the commissioners of the treasury or any three or more of them, or the high treasurer for the time being, to reward the said managers to be appointed for taking the said subscriptions, and the clerks and the officers to be employed by and under them, and the said persons to be employed for taking in the said tickets, and all other officers that shall and may be any way employed in this affair, for their labour, pains and service therein respectively, and to discharge and satisfy such incident expences as shall necessarily attend the execution of this act, in such manner as the said commissioners of the treasury or any three or more of them, or the high treasurer for the time being, shall from time to time find to be reasonable in that behalf; any thing in this act contained to the contrary notwithstanding.

Treasury to reward managers out of the monies for debts and incumbrances incurred before 25 Dec. 1716.

XLI. Provided always, and it is hereby enacted, That if all the pay-tickets for the said lottery-annuities and the said arrearages thereof shall be subscribed according to this act, within the time thereby limited, then the monies of the said duties applicable to the payment thereof from time to time coming in to the receipt of the exchequer shall and may be issued weekly to the said governor and company and their successors, or to their cashier for their use, so as the sum total of the money which shall be due to them out of the same pursuant to this act, at the end of any quarter of a year, be not exceeded; any thing in this or any former act contained to the contrary notwithstanding.

If all the pay-tickets, &c. are subscribed, then the money applicable to the payment thereof to be issued weekly to the company's cashier.

XLII. And be it enacted by the authority aforesaid, That all the monies lent and to be lent to his Majesty upon one act of this session of parliament, intituled, *An act for granting to his Majesty an aid by a land-tax to be raised in Great Britain for the service of the year one thousand seven hundred and nineteen*, and so much money (if any such be) of the tax thereby granted as shall arise and remain after all the loans made or to be made on that act, and the interest thereof and the charges thereby allowable for raising the said tax, shall be satisfied, or monies sufficient shall

Clause of appropriation of all the money granted this session. 5 Geo. 1. c. 1.

- shall be reserved to discharge the same; and all the monies lent and to be lent to his Majesty upon an act of this session of parliament, intituled, *An act for continuing the duties upon malt, mum, cyder and perry for the service of the year one thousand seven hundred and nineteen; and for enlarging the time for entering at the exchequer such assignments of reversionary annuities as are therein mentioned; and for better securing the duties on hides and skins, vellum and parchment,* and so much of the duties on malt, mum, cyder and perry thereby granted or continued, as shall arise and remain (if any such be) after all the loans made or to be made on the same act, or thereby transferred or directed to be transferred thereunto, and the interest thereof and the charges thereby allowable for raising the same duties shall be satisfied, or monies sufficient shall be reserved to discharge the same; and the sum of five hundred and five thousand nine hundred ninety five pounds raised or intended to be raised by way of a lottery, by virtue of an act of this session of parliament, intituled, *An act for continuing certain duties upon coals and culm, and for establishing certain funds to raise money, as well to proceed in the building of new churches, as also to complete the supply granted to his Majesty, and to reserve the overplus monies of the said duties for the disposition of parliament; and for more effectual suppressing private lotteries,* and the sum of twenty two thousand three hundred twenty five pounds one shilling and nine pence intended to be supplied out of the surplus monies specified in the act last before-mentioned, shall be appropriated and applied and are hereby appropriated for or towards the several uses, intents and purposes herein expressed, subject nevertheless to such restrictions as are herein after prescribed: that is to say, it is hereby enacted and declared, That out of all or any of the aids or supplies provided as aforesaid there shall and may be issued and applied any sum not exceeding five hundred and two thousand seven hundred and nineteen pounds ten shillings and ten pence three farthings, to make good the deficiencies of the grants in parliament for the year one thousand seven hundred and eighteen; and any sum not exceeding one hundred and two thousand ninety two pounds thirteen shillings and one fifth part of a penny, to make good the deficiency of the fund commonly called the general fund, for raising seven hundred twenty four thousand eight hundred forty nine pounds six shillings ten pence and one fifth part of a penny *per annum*, for the year ended at *Michaelmas* one thousand seven hundred and eighteen: and it is hereby enacted and declared, That out of all or any of the aids or supplies provided as aforesaid there shall or may be issued or applied any further sum or sums of money not exceeding nine hundred and fourteen thousand six hundred thirty eight pounds seventeen shillings and six pence halfpenny, for or towards the naval services following, that is to say, for or towards defraying the charges of the ordinary of his Majesty's navy, and for half-pay to sea-officers; and for or towards victual, wages, wear and tear of the navy and victualling thereof performed and to be performed; and for or towards sea-service
- 5 Geo. 1. c. 2.
- 5 Geo. 1. c. 9.
- Deficiencies for the year 1718.
- Deficiencies of the general fund for the year ended at Michaelmas 1718.
- Naval services.

service in the office of ordnance performed and to be performed, and other services of the navy performed and to be performed: and any further sum or sums of money not exceeding eighty eight thousand four hundred ninety four pounds, for or towards repairs of his Majesty's navy performed and to be performed: and any sum or sums of money not exceeding seventy one thousand five hundred twenty seven pounds twelve shillings and eleven pence for the charge of the office of ordnance, for or towards land-service performed and to be performed: and any sum or sums of money not exceeding in the whole the sum of eight hundred and nine thousand six hundred thirty six pounds seventeen shillings and six pence halfpenny, for or towards maintaining his Majesty's land-forces, and other services herein after more particularly expressed; that is to say, any sum not exceeding five hundred twenty six thousand nine hundred sixty four pounds eleven shillings and eight pence, for defraying the charge of twelve thousand four hundred thirty five effective men (commissioned and non-commissioned officers included) for guards and garrisons and other his Majesty's land-forces in *Great Britain, Jersey and Guernsey*, and other services relating to the forces, for the year one thousand seven hundred and nineteen: and any sum or sums of money not exceeding one hundred forty seven thousand six hundred seventy two pounds five shillings and ten pence halfpenny, for maintaining his Majesty's forces and garrisons in the plantations, *Minorca and Gibraltar*, and for provisions for the garrisons at *Annapolis Royal and Placentia*, for the service of the year one thousand seven hundred and nineteen: and any sum not exceeding twenty five thousand pounds for the extraordinary charge of the royal hospital at *Chelsea* and the out-pensioners, for the year one thousand seven hundred and nineteen, over and above the poundage and day's pay: and any sum or sums not exceeding the sum of one hundred and ten thousand pounds upon account of half-pay, for the year one thousand seven hundred and nineteen, to be paid to the reduced officers of his Majesty's land-forces and marines; subject nevertheless to such rules to be observed in the application of the said half-pay, as are herein after prescribed in that behalf: and that the said aids or supplies provided as aforesaid shall not be issued or applied to any use, intent or purpose whatsoever, other than towards the uses and purposes before-mentioned.

XLIII. Provided always, That such sums as, by or in pursuance of any other act or acts of parliament, are or shall be due or payable to any commissioners for taking, examining, stating and determining the debts due to the army, or to any commissioners for stating the debts due and to grow due to *Scotland*, by way of equivalent, for their salaries, or for their clerks, or other incident charges, shall or may be paid out of the aids or supplies aforesaid, or any of them; any thing herein contained to the contrary notwithstanding.

XLIV. And as to the said sum of one hundred and ten thousand pounds by this act appropriated upon account of half-pay, as

Repairs of the navy.

Office of ordnance.

Land-forces.

Garrisons in Minorca, &c.

Chelsea hospital. Overplus hereof how to be disposed of, 6 Geo. 1. c. 11. sect. 49. Half-pay officers.

Proviso for the commissioners of the army, and equivalent.

Rules to be observed in application of half-pay.

as aforesaid, it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed shall be duly observed in the application thereof; that is to say,

1. That no person shall have or receive any part of the same, who was a minor, under the age of sixteen years, at the time when the regiment, troop or company in which he served was reduced.

2. That no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop or company.

3. That no person having any other place or employment of profit, civil or military, under his Majesty, shall have or receive any part of the said half-pay.

4. That no chaplain of any garrison or regiment, who has any ecclesiastical benefice, or other preferment in *Great Britain* or *Ireland*, shall have or receive any part of the said half-pay.

5. That no person shall have or receive any part of the same, who hath resigned his commission, and has had no commission since.

6. That no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons who would have been otherwise entitled to the same as reduced officers.

7. And that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in *Ireland*, except to such as were lately taken off the establishment of half-pay in *Great Britain*.

Treasury to apply out of the appropriated sums so much as shall be necessary for the expence of augmentation of forces by sea or land.

XLV. Provided always, and it is hereby declared and enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of his Majesty's treasury, or any three or more of them, or the high treasurer of *Great Britain* for the time being, to issue and apply, or cause to be issued and applied, such part of the monies by this act appropriated for the publick uses and services before mentioned, as shall be necessary to be issued and applied for or towards the increase of expence arisen or to arise from such augmentation, as his Majesty in his great wisdom hath made, or shall think fit to make, of his forces by sea or land, to disappoint the designs of his enemies both at home and abroad; any thing in this or any other act or acts of parliament contained to the contrary notwithstanding.

Treasury may apply the monies advanced by the South-Sea company for publick uses, &c.

XLVI. Provided always, and it is hereby declared and enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of his Majesty's treasury, or any three or more of them, or the high treasurer of *Great Britain* for the time being, to issue and apply, or cause to be issued and applied, all or any part of the monies which shall be advanced by the said corporation into the receipt of the exchequer (for paying such debts and incumbrances, as aforesaid) to or for any the publick uses or services for which provision is made, or intended to be made by this act, or by the foregoing clauses of appropriation therein contained, so as the said commissioners of

the

the treasury, or high treasurer for the time being, do take effectual care, and they are hereby enjoined and required to take effectual care, that such sum or sums (part of the said land-tax, or duties on malt, mum, cyder and perry, or part of the loans authorized to be made severally thereupon) as shall be equal to the sum or sums of the said advance-money so applied to the said publick uses or services, be carefully reserved and kept apart, to be applied for or towards discharging the said debts and incumbrances, according to such act or acts of parliament as shall hereafter be made or passed in that behalf; any thing in this or any other act or acts of parliament contained to the contrary notwithstanding.

XLVII. *And whereas by an act of parliament made in the fourth year of his Majesty's reign, for continuing the duties on malt, mum, cyder and perry, for the service of the year one thousand seven hundred and eighteen, several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed; amongst which any sum or sums, not exceeding the sum of ninety four thousand pounds, upon account of half-pay for the year one thousand seven hundred and eighteen, were intended to be paid to the reduced officers of his Majesty's land-forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the same act were prescribed in that behalf, and the deficiencies of the said supplies are made good, or enacted to be made good by grants in this session of parliament:* now it is hereby provided, enacted and declared by the authority aforesaid, That so much of the said sum of ninety-four thousand pounds as is or shall be more than sufficient to satisfy the said reduced officers, according to the said rules by the said former act prescribed to be observed in the application thereof, or any part of such overplus, shall and may be disposed to such officers who were maimed, or lost their limbs in the late wars, or to such others as, by reason of their long service, or otherwise, his Majesty shall judge to be proper objects of charity, who are not strictly qualified within the rules by the said recited act prescribed to receive the same, or to the widows or children of such officers whom his Majesty shall judge to be proper objects of charity, according to such warrant or warrants under his Majesty's royal sign manual as shall be signed in that behalf; any thing in this or the said former act to the contrary notwithstanding.

4 Geo. 1. c. 3.
The overplus
of 94,000l. by
the malt act,
1711. granted
to reduced of-
ficers, shall be
disposed to such
maimed offi-
cers, &c. as
his Majesty
shall appoint,

XLVIII. *And whereas by an act made in the tenth year of the reign of her late majesty Queen Anne, for laying several duties upon all soap and paper made in Great Britain, and for other purposes therein mentioned, it is provided, That cards and dice may be exported (free of the stamp-duties) bond being entered into to her Majesty, her heirs or successors, with sufficient surety or sureties, in a penal sum of double the duties on such cards or dice, with condition for exporting the same into some part or port beyond the seas, within a time to be limited in such bond; and that the same, or any of them, shall not be reloaded in any part of Great Britain; and such bonds*

10 Ann. c. 19.
f. 170.
Clause to limit
times for pro-
secutions upon
bonds for ex-
porting cards
and dice.

are

10 Ann. c. 19.

are to be left in the hands of the commissioners for the stamp-duties; which provision was intended for encouraging the exportation of cards and dice into foreign parts, but hath been found to be a great discouragement thereof, in regard such bonds do or may lie out against the parties bound therein, although the conditions thereof are or shall have been performed; and in regard some of the obligors in such bonds have been prosecuted thereupon several years after the dates thereof, and are or may be liable to the penalties although no fraud or relanding be proved against them, for that the proof is on their part, and the persons usually bound in such bonds as sureties for the makers or sellers of such cards and dice exported, are those who actually export the same, and upon account of such suretyship cannot be legal witnesses for the principals in such bonds, and it is impracticable to bring living witnesses, or such sufficient proof as the law at present requires, from the East and West Indies, and other foreign parts to which cards and dice are commonly exported, to prove the landings and consumptions thereof in such foreign parts: and whereas great quantities of cards and dice exported are often consumed in long voyages at sea, and there is no provision in the said act for prosecuting such bonds in any limited time, or for any discharge thereof, and it is reasonable to give relief in the premises: be it enacted by the authority aforesaid, That as to such of the said bonds as have been entred into at any time or times before the sixth day of *April* one thousand seven hundred and nineteen, and are now remaining in the hands of the commissioners for the stamp-duties, or any of his Majesty's officers, in case there shall be no prosecution for some breach or non-performance of the respective conditions thereof, before the sixth day of *April* one thousand seven hundred and twenty one, or if upon such prosecution, proof be not made of some fraud in breach or non-performance of such conditions, and judgment thereupon obtained for his Majesty, before the sixth day of *April* one thousand seven hundred and twenty two, then such of the said bonds so already entred into, shall (for want of such proof or judgment) be void; and that all prosecutions now depending upon any of the said bonds, which have not been commenced within two years after the date thereof, and where proof hath not been made, or shall not be made, before the sixth day of *April* one thousand seven hundred and twenty, of some fraud in breach or non performance of the conditions, shall cease and determine; and as to such bonds as shall be entred into after the said sixth day of *April* one thousand seven hundred and nineteen, in case there shall be no proof of some fraud in breach or non performance of the respective conditions, or if proof thereof be not made within two years after the dates of the bonds, or if upon such prosecution as is last mentioned, judgment be not obtained for his Majesty upon such proof, as aforesaid, within the space of one year after the same prosecution commenced, then every such bond which shall be entred into, as aforesaid (in default of such prosecution to be commenced, and judgment to be obtained, as aforesaid, within the times before limited) shall also

to be void; and all bonds made void by this act shall be delivered up by the respective officers, having the same in their keeping, to be cancelled, without fee or reward.

CAP. XX.

An act for settling certain yearly funds payable out of the revenue of Scotland, to satisfy publick debts in Scotland, and other uses mentioned in the treaty of union; and to discharge the equivalents claimed on behalf of Scotland in the terms of the same treaty; and for obviating all future disputes, charges and expences concerning those equivalents.

MAY it please your most excellent Majesty, Whereas in and by the sixth article of the treaty for the union of the two kingdoms of England and Scotland, (which treaty was ratified by acts of parliament passed in either kingdom, and particularly by an act made in England in the fifth year of the reign of her late majesty Ann. c. 2. Queen Anne, of blessed memory) it was provided that the customs and duties on import and export, settled in England when the union commenced, should from and after the union, take place throughout the whole united kingdom, excepting and reserving, as in the said article is particularly expressed; and in and by the seventh article of the said treaty it was provided, That all parts of the united kingdom should for ever, from and after the union, be liable to the same excises (excepting only that such beer or ale as are therein described, should not after the union be liable, upon account of the then present excise upon exciseable liquors in England, to any higher imposition than two shillings sterling upon thirty four gallons English barrel, being twelve gallons of the then present Scots measure;) and it was by the article last mentioned provided, That the excise then settled in England upon all other liquors should, when the union commenced, take place throughout the whole united kingdom: and in and by the fourteenth article of the said treaty of union, it was provided, That Scotland should not be charged with any duties laid on by the parliament of England before the said union (except such as were consented to in the said treaty) in regard it was agreed, That all necessary provision should be made by the then parliament of Scotland for the publick charge and service of that kingdom, for the year one thousand seven hundred and seven; providing nevertheless, That if the parliament of England should think fit to lay any further impositions, by way of customs, or such excises with which, by virtue of the said treaty, Scotland was to be charged equal with England, in such case Scotland should be liable to the same customs and excises, and have an equivalent to be settled by the parliament of Great Britain: and whereas by the terms of the said treaty the subjects of Scotland, for preserving an equality of trade throughout the united kingdom, would be liable to several customs and excises then payable in England, which would be applicable towards payments of the debts of England, contracted before the union: it was by the fifteenth article of the said treaty agreed, That Scotland should have an equivalent for what the subjects

subjects thereof should be so charged towards payment of the said debts of England in all particulars whatsoever, in manner therein expressed, (viz.) That before the union of the said kingdoms the sum of three hundred ninety eight thousand and eighty five pounds ten shillings, should be granted to her said Majesty by the parliament of England for the uses after mentioned, being the equivalent to be answered in Scotland for such parts of the said customs and excises upon all excisable liquors with which that kingdom was to be charged upon the union, as would be applicable to the payment of the said debts of England, according to the proportions therein specified: and in regard that after the union, Scotland becoming liable to the same customs and duties payable on import and export, and to the same excises on all excisable liquors as in England, as well upon that account, as upon the account of increase of trade and people, the said revenues would much improve beyond the annual values thereof set down in the said article, whereof no present estimate could then be made; yet nevertheless for the reasons aforesaid, it was thereby declared, That there ought to be a proportionable equivalent answered to Scotland: and it was agreed, That after the union there should be an account kept of the said duties arising in Scotland, to the end that it might appear what ought to be answered to Scotland as an equivalent for such proportion of the said increase as should be applicable to the payment of the debts of England: and for the further and more effectual answering the several ends after mentioned, it was agreed, That from and after the union, the whole increase of the revenues of customs and duties on import and export, and excises upon excisable liquors in Scotland, over and above the annual produce of the said respective duties as therein stated, should go and be applied for the term of seven years to the uses after mentioned; and that upon the said account there should be answered to Scotland annually, from the end of seven years after the union, an equivalent in proportion to such part of the said increase as should be applicable to the debts of England, and generally that an equivalent should be answered to Scotland for such parts of the English debts as Scotland might thereafter become liable to pay by reason of the union, other than such for which appropriations had been made by parliament in England, of the customs or other duties on export or import, and excises on all excisable liquors, in respect of which debts the equivalents were therein before provided; and as to the uses to which the said sum of three hundred ninety eight thousand and eighty five pounds ten shillings, and all other monies which were to be answered or allowed in Scotland, as aforesaid, were to be applied, it was by the said treaty agreed, That in the first place, out of the aforesaid sum, what consideration should be found necessary to be had for any losses which private persons might sustain by reducing the coin of Scotland to the standard and value of the coin of England, should be made good; in the next place, that the capital stock or fund of the then African and Indian company of Scotland advanced, together with the interest for the said capital stock, after the rate of five pounds per centum per annum, from the respective times of the payment thereof, should be paid; upon payment of which capital stock and interest, it was agreed the said company should be dissolved and cease, and as

o the overplus of the said sum of three hundred ninety eight thousand and eighty five pounds ten shillings (after payment of what consideration should be had for less: in repairing the coin, and paying the said capital stock and interest) and also the whole increase of the said revenues of customs, duties and excises, above the then present value, which should arise in Scotland, during the said term of seven years, together with the equivalent which should become due upon the improvement thereof in Scotland, after the said term, and also as to all other sums which according to the agreements aforesaid might become payable to Scotland, by way of equivalent for what that kingdom should thereafter become liable towards payment of the debts of England, it was by the said article agreed, That the same should be applied in manner following, viz. That all the publick debts of the kingdom of Scotland, as should be adjusted by the then present parliament, should be paid, and that two thousand pounds per annum, for the space of seven years, should be applied towards encouraging and promoting the manufacture of coarse wool within those shires which produced the wool, and afterwards the same should be wholly employed towards encouraging and promoting the fisheries and such other manufactures and improvements in Scotland, as might most conduce to the general good of the united kingdom; and it was agreed, That her Majesty should be empowered to appoint commissioners, who should be accountable to the parliament of Great Britain, for disposing the said sum of three hundred ninety eight thousand and eighty five pounds ten shillings, and all other monies which should arise to Scotland, upon the agreements aforesaid, to the purposes before-mentioned, who should keep their office within the limits of Scotland, with such powers, and be subject to such directions for keeping accounts and performing other matters and things, as in the said fifteenth article were prescribed. And whereas for preventing all mistakes or abuses which might hinder the ready application of the aforesaid money to the proprietors, and others concerned in the stock of the African and Indian company of Scotland, conform to the said article, there was an act made in the last session of the last parliament of Scotland, intituled, Act concerning the payment of the sums out of the equivalent to the African company, wherein it was enacted, That the directors of the said African and Indian company of Scotland should make up accounts of the sums advanced by the proprietors of the said company, and debts due to (a) the said company, on the first day of May then next, as therein was prescribed; and in like manner by another act of the said parliament of Scotland, intituled, Act concerning the publick debts, the payments to be made on account of the publick debts of Scotland, were adjusted; as in and by the said treaty of union, and several acts before recited or mentioned (amongst other things therein contained) relation being thereunto severally had, may more fully appear. And whereas the said sum of three hundred ninety eight thousand and eighty five pounds ten shillings, was paid for and on the part of England to the commissioners of the equivalent in Scotland, pursuant to the aforesaid articles, and considerable sums were by them issued out according to the same, and the above recited acts of parliament in Scotland, but by experience it was found that some further direction was
yet

(a) Examined
with the record.

6 Ann. c. 24.

10 Ann. c. 26.
sect. 108.12 Ann. stat. 2.
c. 13.

get necessary for the better application of what remained of the said sum unapplied, and all other sums which were or might become due by virtue of the agreements aforesaid, and for the more effectual attaining the ends mentioned in the said fifteenth article of the treaty and acts above recited; and therefore an act was made and passed in the parliament of Great Britain in the sixth year of her said late Majesty's reign, intituled, An act for the further directing the payment of the equivalent money, containing powers and directions, as by the same, relation being thereunto also had, may more fully appear. And whereas by an act of parliament of Great Britain, made in the tenth year of her said late Majesty's reign, (amongst other things) for obviating doubts concerning certain payments in Scotland, it was enacted, That the fees, salaries, and other charges allowed, or to be allowed by her Majesty, her heirs or successors, for keeping up the courts of session and justiciary, and exchequer-court of Scotland, were and might be chargeable upon any part of the revenues of customs and excise of Scotland, preferable to all other payments whatsoever, (the charges of management excepted) but so as not any way to prevent any application of the excrescence out of the said customs and excise appointed by any former law, as by the same act (relation being thereunto had) may also more fully appear. And whereas an act of parliament of Great Britain was made in the twelfth year of her said late Majesty's reign, intituled, An act to discharge and acquit the commissioners of equivalent for the sum of three hundred eighty one thousand five hundred and nine pounds fifteen shillings and ten pence halfpenny, by them duly issued out of the sum of three hundred ninety eight thousand and eighty five pounds ten shillings, which they received, reciting, That the commissioners for disposing the said sum of three hundred ninety eight thousand and eighty five pounds ten shillings, and all other monies which should arise to Scotland upon the agreements in the said treaty of union, or the major part of them, pursuant to several commissions from her Majesty, had well and duly issued and paid the sum of three hundred eighty one thousand five hundred and nine pounds fifteen shillings and ten pence halfpenny, as directed by the laws in that behalf, in manner therein set down, (videlicet) towards the loss which private persons sustained by reducing the English money then in Scotland to the current rate in England, the sum of three thousand and seventeen pounds eighteen shillings and nine pence; for recoining the Scots and foreign money, and reducing it to the standard of the coin of England, the sum of forty nine thousand eight hundred eighty eight pounds fourteen shillings and eleven pence one sixth part of a penny; towards payment of the stock, interest, and debts of the Indian and African company, the sum of two hundred twenty nine thousand six hundred and eleven pounds four shillings and eight pence; towards the charges of the commissioners secretaries and accountants of the two treaties of union, the sum of thirty thousand four hundred ninety eight pounds twelve shillings and two pence; towards payment of the first class of the civil list, the sum of twenty seven thousand five hundred and fifty three pounds seventeen shillings and nine pence one third of a penny; towards payment of the second class of the civil list, the sum of four thousand

thousand six hundred fifty five pounds and six shillings; towards payment of the first class of the military list, the sum of fourteen thousand nine hundred eighty eight pounds and eight pence; towards payment of the second class of the military list, the sum of fourteen thousand four hundred fifty eight pounds two shillings and eight pence and five sixths of a penny; for the fees and salaries of the servants of the commission till the fourteenth of March and thirtieth of April last past, the sum of five thousand four hundred and thirteen pounds eleven shillings and four pence; for the necessary charges of the commission, and for defending of law suits where the titles of parties were not clear (those charges preceding the six and twentieth day of March then last past) the sum of two thousand two hundred twenty four pounds six shillings and ten pence one sixth of a penny: and it was thereby declared, That the said commissioners of the equivalent should be acquitted of the several sums above set down, amounting in the whole to the said sum of three hundred eighty one thousand five hundred and nine pounds fifteen shillings and ten pence halfpenny; providing nevertheless, That nothing therein contained should free them from applying the sum of sixteen thousand five hundred seventy five pounds fourteen shillings and one penny halfpenny, being the ballance of the said three hundred ninety eight thousand and eighty five pounds ten shillings then remaining in their hands, together with what other sums were or might become due and payable to them, to such uses, and for such purposes, as the former acts therein mentioned did appoint and direct: and it appearing, That the other publick debts of Scotland then unsatisfied, which were adjusted and certified, pursuant to the directions of the several acts therein recited, did then amount to the sum of two hundred and thirty thousand three hundred and eight pounds nine shillings and ten pence five sixths of a penny, including the interest of such parts thereof as bore interest from the four and twentieth day of June one thousand seven hundred and eight to the four and twentieth day of June one thousand seven hundred and fourteen; it was thereby enacted, That it might and should be lawful for the commissioners of equivalent for the time being, or any three or more of them, and they were thereby directed and required forthwith to call for and receive all the certificates and other warrants, and receive and cancel all the debentures for which the debt aforesaid, amounting to the sum of two hundred and thirty thousand three hundred and eight pounds nine shillings and ten pence five sixths of a penny, was constituted and established, and issue out new debentures devisable and transferrable, as the former debentures were, for the said sum, to the several persons proportionally and respectively entitled thereunto, which new debentures are thereby enacted to bear interest from and after the said four and twentieth day of June one thousand seven hundred and fourteen, after the rate of five pounds per centum per annum; and that such interest shall be paid out of the first and readiest of the monies which either were or should become due to Scotland by way of equivalent, according to the agreements in the treaty of union above recited, and the principal according to the order and preferences mentioned in the fifteenth article of the said treaty, and several

12 Ann. stat. 2. *veral laws and acts therein mentioned, as by the said act of the twelfth*
 c. 13. *year of her said late Majesty's reign, relation being thereunto had,*
 1 Geo. 1. stat. 2. *may also more fully appear. And whereas by an act of parliament*
 c. 27. *of Great Britain, made and passed in the first year of your Majesty's*
reign, intituled, An act for taking and stating the debts due and
growing due to Scotland, by way of equivalent in the terms of the
union; and for relief of the creditors of the publick in Scotland,
and the commissioners of the equivalent, your Majesty was im-
powered to appoint commissioners for taking, examining and stating the
debts due and growing due to Scotland by way of equivalent, and
provision was thereby made for payment of a sum not exceeding fif-
teen thousand eight hundred twenty two pounds eight shillings and seven
pence three farthings, to the commissioners of equivalent in Scotland,
or any persons appointed by them, or any two of them, out of the mo-
nies arisen or to arise by the said revenues of customs and excise of Scot-
land, or either of them, for the payment of one year's interest, (vide-
licet) from the twenty third of June one thousand seven hundred and
fourteen to the twenty fourth of June one thousand seven hundred and
fifteen of the capital sum of two hundred and thirty thousand three
hundred and eight pounds nine shillings and ten pence and five sixths
of a penny, stated due to the creditors of the publick in Scotland, on
 12 Ann. stat. 2. *the twenty fourth of June one thousand seven hundred and fourteen,*
 c. 13. *pursuant to the said act of the twelfth year of her said late Majesty's*
reign, and for payment of the salaries of the said commissioners of equi-
valent, and of the fees and salaries of their servants, and necessary
charges, from the said twenty third of June one thousand seven hun-
 3 Geo. 1. c. 14. *dred and fourteen to the twenty fourth of June one thousand seven hun-*
dred and fifteen; and by an act of parliament of Great Britain,
made in the third year of your Majesty's reign, for continuing the act
last before recited, the powers given to your Majesty, for appointing
commissioners for taking and stating the debts due and growing due
to Scotland, by way of equivalent in the terms of the union, were
continued for the term therein mentioned; and by the act last mention-
 20 Ann. c. 26. *ed the commissioners of your Majesty's treasury were empowered (after*
paying or reserving sufficient to pay the civil establishment in Scotland,
authorized by the said act of the tenth year of her said late Majesty's
reign) to cause payment of a sum not exceeding thirty one thousand
five hundred sixty five pounds two shillings and five pence halfpenny,
to the commissioners of the equivalent in Scotland, out of the monies arisen
or to arise out of any of the customs, duties, excises or revenues, under the
managment of the commissioners of the customs and commissioners of ex-
cise in Scotland, or either of them, for payment of two years interest of
the said capital sum of two hundred and thirty thousand three hundred
and eight pounds nine shillings and ten pence and five sixths of a pen-
ny, and of eighteen thousand two hundred forty one pounds ten shil-
lings and ten pence and two thirds of a penny, stated due to Wil-
liam Paterson, esq; by an act of the first year of your Majesty's
reign, from the twenty third of June one thousand seven hundred and
fifteen to the twenty fourth of June one thousand seven hundred and
seventeen, and for payment of the salaries of the commissioners of e-
 6 qui-

equivalent, and of the fees and salaries of their servants, and the necessary charges of the office for the said two years; providing nevertheless, That the commissioners of the equivalent of Scotland for the time being, should secure and retain in their hands the sum of fourteen thousand pounds sterling, appointed by the said fifteenth article of the union, for the encouragement of the manufacture of coarse wool, in such shires where the same was or should be produced, to be applied for the benefit of the said manufacture, and the wool-masters, and to no other use or purpose whatsoever, as by the two acts last before ^{3 Geo. 1. c. 14.} cited may also more fully appear; which several sums for payment of ^{10 Ann. c. 26.} interest, salaries and charges, were issued to the said commissioners of equivalent accordingly. And whereas by reason of many doubts arising in the construction of the said fifteenth article of the said treaty, and other laws relating to the excrescence of the said equivalent, and to the growing equivalent due and becoming due to Scotland, and by reason of the many difficulties which attend separating and distinguishing between debts incurred before the union, and debts incurred for service of the united kingdom (both which have without distinction been provided for since the union) the commissioners for taking and stating the debts due and growing due to Scotland, by way of equivalent, have not been able to adjust the accounts thereof for the time past, and are like to meet with insuperable difficulties therein for the future, during so long time as the same is to continue in the terms of the said treaty, although the making or endeavouring to make such accounts is attended with an excessive charge to the publick, and may occasion great vexations and discontents in the united kingdom: for obviating whereof, we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, as we think it just and reasonable, so we also judge it to be most conducive to the publick quiet and tranquillity, That in lieu and full discharge of all equivalents whatsoever, that might hereafter be demanded from England, or the united kingdom, upon the foot of the said treaty, such certain annuities or yearly funds and other provisions may be settled and established for the satisfaction of those interested or concerned in the monies which were expected to arise from the said equivalents, as are hereafter in this act expressed; and do therefore humbly pray your Majesty, that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That yearly and every year, reckoning the first year to begin from the feast of the nativity of Saint *John Baptist* one thousand seven hundred and nineteen, the full sum of ten thousand pounds of lawful money of Great Britain shall be one yearly fund, and the full sum of two thousand pounds of like money shall be another yearly fund, for the several purposes in this act expressed concerning the same yearly funds respectively; and that the said yearly funds shall continue and be payable for ever, subject nevertheless to redemption by parliament, according to the respective provisos herein after contained in that behalf; and that the said several annuities or yearly funds,

From June 24, 1719. 10000l. and 2000l. shall be yearly funds for the purposes in this act, and payable for ever, but subject to redemption by parliament. Farther provision is made concerning this annuity of

6000l. by
13 Geo. 1. c. 30.
payable out of
the duties un-
der the ma-
nagement of
the commis-
sioners of cu-
stoms and ex-
cise in Scot-
land.

In case of de-
ficiency the
said sums to
be made good
out of any o-
ther revenue in
Scotland, in-
troduced by
virtue of the
union, except
such as are o-
therwise ap-
propriated.

The said funds
shall be paid
at the four
most usual
feasts.

First payment
to begin at
Michaelmas
1719.
The funds free
from taxes.

The treasury
to issue war-
rants for pay-
ment of the
said yearly
funds.

funds, during the continuance thereof respectively, shall be charged and chargeable upon, and be payable and paid out of the monies arisen and to arise, from time to time, of or for any the customs, duties, excises or revenues, that are or shall be under the management of the commissioners of the customs and commissioners of the excise in *Scotland*, or either of them, or of any commissioners, farmers or managers of those revenues, or any of them, for the time being, which shall from time to time remain, after paying or reserving sufficient to pay the charges of managing the said revenues, and of keeping up the said three courts, and other charges of the civil government in *Scotland*, pursuant to such establishment or establishments as are or shall be made in that behalf, and with preference to all payments whatsoever, other than those charges, and other than such drawbacks and allowances, as are or shall be settled by any act or acts of parliament to be made out of the said revenues, or any of them.

II. And it is hereby enacted, That in case the produce of the said duties, customs, excises or revenues shall at any time or times appear to be so low or deficient, as that there should not be sufficient thereof to satisfy the said annuities or yearly funds of ten thousand pounds and two thousand pounds, or either of them, when the same shall become due, then and so often and in every such case, the deficiencies thereof shall and may be satisfied and made good by or out of any other revenues in *Scotland*, which were introduced by virtue of the said treaty of union, or to which the subjects of *Scotland* are or shall be liable, other than such revenues as are expressly appropriated to any particular use or uses by any act or acts of parliament of *Great Britain* made since the said act for confirming the said treaty of union.

III. And it is hereby enacted by the authority aforesaid, That the said several annuities or funds of ten thousand pounds and two thousand pounds *per annum* shall be paid and payable at the four most usual feasts in the year, that is to say, the feast of *Saint Michael the Archangel*, the birth of our Lord Christ, the annunciation of the Blessed Virgin *Mary*, and the feast of the nativity of *Saint John Baptist*, by even and equal portions, until the redemption of the same respectively according to the respective provisos herein after contained in that behalf; the first payment thereof to be due and accounted due and payable at the feast of *Saint Michael the Archangel* in the year of our Lord one thousand seven hundred and nineteen; and that the said several annuities or yearly funds and every part thereof shall be free from all taxes or publick charges and impositions whatsoever laid or to be laid thereupon by authority of parliament.

IV. And it is hereby enacted by the authority aforesaid, That the commissioners of his Majesty's treasury now being, and the high treasurer of *Great Britain* and the commissioners of the treasury of his Majesty, his heirs and successors for the time being, shall and they respectively are hereby impowered and strictly enjoined and required to issue their warrants and orders for making the payments of the said annuities or yearly funds from time to time,

me, according to the true intent and meaning of this act; and that the payments thereof shall be made by the proper commissioners or officers from time to time without any fees or charges whatsoever to be demanded or taken for paying the same; and any commissioner, receiver general, officer or other person or persons, who shall have in his or their hands any the monies which, in pursuance of this act, shall be ordered or appointed for payment of the said annuities or yearly funds, or either of them, shall divert or misapply the same or any part thereof, contrary to the tenor and true meaning of this act, then every such commissioner, receiver general, officer or person, for such offence shall be rendered incapable to serve his Majesty, his heirs or successors, in any office or employment of trust or profit, and be liable to pay double the value of the money so diverted or misapplied to the use of the corporation which shall be erected in pursuance of this act, for the benefit of the creditors of Scotland; and to be recovered by action of debt or of the case, bill, suit or formation in any of his Majesty's courts of record at Westminster, or in the said court of exchequer of Scotland, wherein no opinion, protection, wager of law, or more than one imparlance shall be granted or allowed.

V. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the King's majesty, by letters patents under the great seal of Great Britain, to incorporate all and every the proprietors of the debts and sums of money stated to amount to the said principal sums of two hundred and thirty thousand three hundred and eight pounds nine shillings and ten pence and five sixths of a penny, and eighteen thousand two hundred forty one pounds ten shillings and ten pence two thirds of a penny; both sums making two hundred and eighty eight thousand five hundred and fifty pounds and nine pence halfpenny; and all and every person and persons, natives and foreigners, bodies politick and corporate, which as executors, administrators, successors or assigns, or by any other lawful title derived or to be derived from, by or under the said proprietors, any time or times hereafter, shall have or be entitled to any part, share or interest of or in the said capital sums amounting to two hundred forty eight thousand five hundred and fifty pounds and nine pence halfpenny, so long as they respectively shall have any part, share or interest therein; to be one body politick and corporate, by such name as the King's majesty shall think most proper; and that by such name the said corporation shall have perpetual succession, (subject nevertheless to such redemption as therein after appointed in that behalf;) and that they and their successors, by the name aforesaid, shall be able and capable in law to sue and implead, be sued and impleaded, answer and be answered in courts of record or any other place whatsoever, in all suits and causes whatsoever, for, touching or concerning the giving and recovering of the said annuity or fund of ten thousand pounds *per annum*, and the distribution thereof to those who shall from time to time be interested in the same, with such

To be made without fee or charge.

Penalty of diverting or misapplying the same.

The King may by letters patent incorporate the proprietors of the debts stated due to Scotland.

Which corporation shall have perpetual succession,

and may sue or be sued.

powers to do and perform such other matters and things appertaining to them to do or perform touching or concerning the said capital sums and the said yearly fund payable in respect thereof, as the King's majesty by the same letters patents shall think fit to grant.

The capital sums to be a joint stock, and transferrable, &c.

VI. And it is hereby enacted by the authority aforesaid, That the said capital sums amounting to two hundred forty eight thousand five hundred and fifty pounds and nine pence halfpenny shall be and be deemed to be the capital or joint stock of the said corporation; and that the shares and interests of the particular members of and in the same from time to time shall be assignable, transferrable and deviseable in such manner as the King's majesty by the said letters patents shall prescribe and appoint, until the redemption thereof.

Members of the corporation entitled to annuities in proportion to their shares, and payable quarterly.

VII. And it is hereby further enacted by the authority aforesaid, That all and every the members of the said corporation shall have and be entitled to an annuity or yearly sum in proportion to his or their share in the said capital sum and stock of two hundred forty eight thousand five hundred and fifty pounds and nine pence halfpenny; which annuities or yearly sums shall be paid and payable at the four most usual feasts in the year before-mentioned, by even and equal portions, until the redemption thereof by parliament according to the proviso herein after contained in that behalf.

The judges of the exchequer in Scotland shall make debentures to persons entitled to sums for which none are already made forth; which debentures shall bear interest, and be transferrable &c.

VIII. *And whereas by virtue of former acts of parliament, debentures were authorized and directed to be made forth for the said several debts amounting to two hundred forty eight thousand five hundred and fifty pounds and nine pence halfpenny, which are assignable and transferrable by indorsement, and bear interest at the rate of five pounds per centum per annum, and some of the persons interested in part of the said debts have not yet taken forth the debentures to which they respectively are entitled pursuant to the said acts: now it is hereby enacted and declared by the authority aforesaid; That in all such cases the judges of the court of exchequer in Scotland, or any three or more of them (being satisfied in the titles of such persons) shall make forth and sign debentures for such particular sums for which such debentures are not already made forth, and deliver the same to the persons entitled thereto respectively, or such as they respectively shall appoint to receive the same; which shall bear interest and be transferrable and assignable, and be made and issued in the same manner and form and under such conditions, as if they had been made forth by the commissioners for disposing the equivalents in Scotland, according to the said former act.*

The said judges to give notice to exhibit debentures

IX. And to the end it may be known who are the proprietors of the said capital sums amounting to two hundred forty eight thousand five hundred and fifty pounds and nine pence halfpenny; it is hereby enacted by the authority aforesaid, That the judges of his Majesty's court of exchequer in Scotland shall, by publick publication at the market-cross at Edinburgh, or by any other form of publick publication as the said judges shall

shall think fit, intimate to all parties within or without the kingdom, having interests in the said stated debts of *Scotland*, to produce or cause to be produced before the said judges in *Edinburgh*, in the ordinary place where the said court of exchequer meets, at or before any day or days to be by them therein prefixed, not shorter than six months from the date of the publick publication at the market-crofs of *Edinburgh*, and there to exhibit their debentures to be registred in the said court of exchequer; which shall be accordingly registred there by the King's remembrancer for the time being without fee or charge, other than the sum of six pence for registering every such debenture wherein the principal shall exceed fifty pounds; to which register all persons concerned shall and may have free access at all seasonable times without fee or charge.

to be registred by the King's remembrancer, &c.

Fees for registering.

X. *And it being just and reasonable that interest due on the said debts, after the rate of five pounds per centum per annum, from the three and twentieth day of June one thousand seven hundred and seventeen, until the said feast of the nativity of Saint John Baptist one thousand seven hundred and nineteen, together with the charges of the commission of the equivalent in Scotland, should be provided for:* be it further enacted by the authority aforesaid, That the commissioners of the treasury, or lord high treasurer of *Great Britain* for the time being, shall and may and they are hereby impowered and directed, out of the monies arisen and to arise of or for the said customs, duties, excises and other revenues charged with the said annuities or yearly funds as aforesaid, which shall from time to time remain next after paying or reserving sufficient to pay, as well the charges of managing the same revenues and keeping up the three courts, and the said other charges of the civil government in *Scotland*, as also the sums which shall be grown due and in arrear from time to time for or upon the said annuities or funds of ten thousand pounds and two thousand pounds *per annum*, or either of them, to cause payment to be made unto such persons as his Majesty, by any warrant or warrants under his royal sign manual, counter-signed by the commissioners of the treasury or any three or more of them, or the high treasurer of *Great Britain* for the time being, shall intrust to receive the same, of the full sum of thirty thousand eight hundred twenty three pounds seven shillings and two pence for payment of the interest, after the rate of five pounds *per centum per annum*, of the said capital sums amounting to two hundred forty eight thousand five hundred and fifty nine pounds and nine pence halfpenny, and for payment of the salaries of the said commissioners for disposing the equivalent, and of the fees and salaries of their servants and the necessary charges of their office for two years, ended at the said feast of the nativity of Saint *John Baptist* one thousand seven hundred and nineteen; from which time all salaries and other charges relating to that commission shall cease and determine.

Out of the monies arising by the said customs, &c. the treasury shall cause payment to be made to such persons as the King under his sign manual shall direct, of 30,823l. 7s. 2d. for interest of the capital sums, &c.

XI. And it is hereby enacted by the authority aforesaid, That until such letters patents or charter of incorporation as aforesaid

Till such charter of incorporation be granted, the said

yearly fund of 10,000l. shall be paid to such persons as his Majesty shall direct, for the use of the proprietors interested in the debentures.

And after the granting such charter it shall be paid to the corporation.

Clause of redemption of the said yearly sum of 10,000l.

The judges of the exchequer in Scotland to call the commissioners of equivalent to account for the balance, &c.

and cause it to be paid to such persons as the King shall direct.

said shall be actually granted and passed under seal, the said annuity or fund of ten thousand pounds *per annum* shall be paid and payable unto such persons as his Majesty, by any warrant or warrants under his royal sign manual, counter-signed by the commissioners of the treasury or any three or more of them, or the high treasurer of *Great Britain* for the time being, shall appoint to receive the same, in trust for the use and benefit of the said proprietors interested or to be interested in the said debentures for the said debts not exceeding two hundred forty eight thousand five hundred and fifty pounds and nine pence halfpenny, according to their respective shares and interests therein, and until the passing of such letters patents or charter of incorporation, the said debentures shall continue to be assignable or transferrable by indorsements thereupon; and from and after the granting such letters patents or charter of incorporation, and passing the same under seal as aforesaid, the said annuity or fund of ten thousand pounds *per annum* shall be paid and payable to the same corporation, or to their cashier for the time being, for their use, to be divided and distributed to and amongst the several members thereof according and in proportion to their respective shares of and in the said capital or joint stock of the same, and to or for none other use, intent or purpose whatsoever.

XII. Provided always, and it is hereby enacted, That at any time, upon payment by the parliament of *Great Britain* of the said capital sum of two hundred forty eight thousand five hundred and fifty pounds and nine pence halfpenny, without any deduction or abatement whatsoever to be made out of the same or any part thereof, and of all arrears of the said annuity or yearly fund of ten thousand pounds then due, computing the same quarterly, till the end of the then next preceding quarter of a year, and from thenceforth by the day, until the day of such payment made (if any such arrears be) then and not till then, and from thenceforth the said annuity or fund of ten thousand pounds *per annum* shall cease and determine; this present act, or any thing herein contained to the contrary notwithstanding.

XIII. And be it further enacted and declared by the authority aforesaid, That the judges of the court of exchequer in *Scotland* shall forthwith call the said commissioners of the equivalent in *Scotland* to an account for the said balance of sixteen thousand five hundred seventy five pounds fourteen shillings and one penny halfpenny, and for the said sums of fifteen thousand eight hundred twenty two pounds eight shillings and seven pence three farthings, and thirty one thousand five hundred sixty five pounds two shillings and five pence halfpenny, by them received as aforesaid; and after deduction of all their due payments and just allowances, to cause the balance of such account to be paid over to such persons as his Majesty, by any warrant or warrants under his royal sign manual, counter-signed by the commissioners of the treasury or any three or more of them, or the high treasurer of *Great Britain* for the time being, shall from time to time appoint

to receive the same, in trust to and for the uses and purposes whereunto the same is liable pursuant to the said former acts, and thereupon to free and liberate the said commissioners of equivalent in *Scotland* upon their said accounts.

XIV. And as to, for and concerning the said annuity or fund of two thousand pounds *per annum* by this act settled until the redemption thereof by parliament; it is hereby enacted and declared by the authority aforesaid, That the same shall be wholly applied towards the encouraging and promoting the fisheries and such other manufactures and improvements in *Scotland*, as may most conduce to the general good of the united kingdom, according to the tenor and true meaning of the said fifteenth article of the said treaty of union, and to none other use, intent or purpose whatsoever.

The fund of 2000 l. per ann. to be applied towards promoting the fisheries, &c. in *Scotland*.

XV. And it is hereby enacted by the authority aforesaid, That the said annuities or funds of ten thousand pounds and two thousand pounds *per annum*, and the several shares and interests of the creditors, proprietors or members that are or shall be entitled thereunto, shall be deemed and taken to be personal or moveable estates, and upon deaths shall go to executors or administrators, and not be descendable to heirs; and such shares or interests in the capital stock of the said corporation, or in the hands of their cashier for the time being, or in the hands of any trustees appointed or to be appointed to receive the same as aforesaid, shall not be liable to any arrestment or attachment that shall be laid thereupon; any law, custom or usage to the contrary notwithstanding.

The said funds to be personal estates, and not liable to any arrestment.

XVI. And it is hereby also enacted and declared by the authority aforesaid, That no person whatsoever shall incur any incapacity, disability, penalty or forfeiture whatsoever, only for putting this act in execution, or for accepting or exercising any office or trust whatsoever, in pursuance of this act or of any charter, letters patents or warrant to be granted by his Majesty in pursuance thereof; any former law or statute or provision to the contrary notwithstanding.

None shall incur any incapacity &c. for putting this act in execution, &c.

XVII. Provided always, and it is hereby enacted, That at any time, upon payment by the parliament of *Great Britain* of the full sum of forty thousand pounds sterling, without any deduction or abatement whatsoever to be made out of the same or any part thereof, and all arrears (if any such be) of the said annuity or yearly sum of two thousand pounds then due, computing the same quarterly, to the end of the then next preceding quarter of a year, and from thenceforth by the day, until the day of such payment made, then and not till then, and from thenceforth the said annuity or yearly fund of two thousand pounds shall cease and determine; this present act, or any thing herein contained to the contrary notwithstanding.

Upon payment of 40,000 l. and all arrears, the said yearly fund of 2000 l. shall cease.

XVIII. And it is hereby declared and enacted by the authority aforesaid, That the said annuities or funds of ten thousand pounds *per annum* and two thousand pounds *per annum*, and other payments by this act directed and appointed, shall be in

The said annuities to be in full discharge of all equivalents.

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lieu and full discharge of all equivalents whatsoever, which shall or may be claimed or demanded by *Scotland* or on the behalf of *Scotland*, by reason of the said treaty or otherwise in regard of the said union; and that the united kingdom of *Great Britain*, or any the revenues thereof, shall not be liable to any further or future demands of or for any such equivalents, or to the expence or charge of keeping or rendering any further or future accounts thereof (the said yearly funds and other payments by this act established or appointed always excepted).

The commission of equivalent to continue no longer than Midsummer 1719.

XIX. And it is hereby declared, That the present commission for taking and stating the debts due and growing due to *Scotland* by way of equivalent, and the salaries and other charges of that commission, shall or may be continued to the said feast of the nativity of Saint *John Baptist* one thousand seven hundred and nineteen, and no longer.

The King's subjects in *Scotland* not to be answerable for any deficiency for the service of that kingdom for the year 1707.

XX. And in regard by the fourteenth article of the said treaty it was agreed or mentioned, That all necessary provision should be made by the then parliament of *Scotland* for the publick charge and service of that kingdom for the year one thousand seven hundred and seven, it is hereby declared, That his Majesty's subjects in *Scotland*, shall not be answerable for any deficiency which happened in making that provision; any former law or statute whatsoever to the contrary notwithstanding.

The yearly sum of 600 l. shall be paid to the said corporation towards the charges of management, &c.

XXI. And forasmuch as the intended corporation cannot receive and distribute the annuity of ten thousand pounds per annum, and defray the other necessary charges of management without lessening their interest, which if wholly born by the members thereof, would prove a great discouragement to them: be it therefore enacted by the authority aforesaid, That over and above the said annuity or fund of ten thousand pounds hereby settled to be paid to the said corporation, there shall be paid and payable to the said corporation to be erected by virtue of this act, and their successors, until the said annual sum herein before settled shall be redeemed as aforesaid, or to such person or persons as shall be authorized under the common seal of the said corporation to receive the same, for the use of the said corporation, the further annual sum of six hundred pounds for and towards the charge of management, and other necessary charges in receiving and distributing of the said annuity of ten thousand pounds payable to the said corporation, and the several members thereof as aforesaid; which annual sum of six hundred pounds is hereby charged and chargeable upon, and made to be paid and payable by and out of the same funds, and at such time and times, and in such manner, and by the same ways, means and methods, as is and are herein and hereby prescribed, settled or appointed for payment of the said annuity of ten thousand pounds per annum.

To be payable out of the same funds.

XXII. And whereas several of the above-mentioned debentures, which were issued pursuant to the acts of parliament aforesaid, have by casualty or mischance been lost, burnt or otherwise destroyed: be it therefore enacted by the authority aforesaid, That in all cases where

where it shall appear to the said barons of the court of exchequer in Scotland, to their satisfaction, that any such debentures have been or are lost, burnt or otherwise destroyed, and that there be good reason to believe the same to have been burnt, lost or otherwise destroyed; it shall and may be lawful for the said barons, or any three or more of them, to issue or make forth new debentures of the same tenor and contents with the debentures lost, burnt or destroyed as aforesaid, on security given to the good-liking of the said barons of the court of exchequer in Scotland by the person or persons claiming such debentures, against all other persons whatsoever, concerning the monies specified in or due upon such debentures.

The barons of the exchequer in Scotland may issue new debentures in lieu of such as have been burnt, lost, &c.

C A P. XXI.

An act for the better securing the lawful trade of his Majesty's subjects to and from the East-Indies; and for the more effectual preventing all his Majesty's subjects trading thither under foreign commissions.

WHEREAS it is of great importance to the welfare of this kingdom, That the trade and traffick to and from the East-Indies in the countries and parts of Asia and Africa, and to and from such places of Asia, Africa and America, or any of them, beyond the cape of Bona Esperanza to the streights of Magellan, where any trade or traffick of merchandize is or may be used or had, be regulated according to the acts of parliament relating thereto, and the royal charters or grants made in pursuance thereof: and whereas in and by an act of parliament of the ninth year of the reign of his late ^{9 & 10 W. 3.} majesty King William the Third, of glorious memory, it is enacted ^{C. 44.} and provided, That the said East-Indies, or the islands, havens, forts, cities, towns or places within the limits aforesaid, should not be visited, frequented or haunted by any of the subjects of his Majesty, other than such as might lawfully go and trade there; and that if any of the subjects of his said late Majesty, his heirs or successors, of what degree or quality soever, other than such as might or may lawfully go and trade to the East-Indies or other the parts in the same act mentioned, by virtue thereof, should directly or indirectly visit, haunt, frequent, trade, traffick or adventure into or from the said East-Indies or other the parts aforesaid, all and every such offender and offenders should incur such forfeitures and losses, as in the said act is and are for that purpose appointed: and it is also provided by the same act and by subsequent laws, That all the goods, wares, merchandizes and commodities to be laden upon any ship or ships bound from the said East-Indies or parts within the limits aforesaid, should be brought without breaking bulk to some port of Great Britain, and there be unladen and put on land; notwithstanding which just and reasonable provisions and restrictions several of his Majesty's subjects, not entitled under the said acts of parliament, have presumed to trade into and visit the said East-Indies and other the places aforesaid in foreign and other ships, intending there to load goods, and to bring them into Europe, and land them in foreign parts out of his Majesty's dominions, to the great prejudice of the trade of this kingdom,

dom, and the diminution of his Majesty's customs and duties: all which practices being considered, his royal highness George prince of Wales, then guardian of the realm of Britain, and his Majesty's lieutenant within the same, was; on the eighteenth day of October which was in the year of our Lord one thousand seven hundred and sixteen, to issue forth a proclamation (amongst other things) strictly charging and commanding Majesty's subjects not to serve on board any foreign or other ships, foreign commissions and colours, bound to or from the East Indies or any the parts aforesaid; or directly or indirectly to visit, haunt, frequent, trade, traffick or adventure into or from the said East Indies or other the parts before-mentioned, contrary to law: but notwithstanding the prohibitions contained in the said acts of parliament, and in defiance of the same, several evil-disposed persons have gone on to procure and obtain several foreign commissions, passes, and under colour thereof or otherwise have fitted out, manned several English and other ships or vessels, and have sailed or sent out the same to trade and traffick in the East Indies or the parts aforesaid: now to the intent that such collusive, fraudulent and illegal trade and practices may be prevented, that so considerable and beneficial a branch of trade may be secured to this kingdom; be it enacted and declared by the King most excellent majesty, by and with the advice and consent of

After Feb. 20, 1718, none shall go to the East Indies, &c. contrary to the laws now in being

The East India company may seize such persons, and send them to England, there to answer for the offence.

After Feb. 5, 1718, persons procuring, &c. any commission from any foreign prince, &c. to trade to the East Indies, &c. shall forfeit 500l.

lords spiritual and temporal and commons, in parliament assembled, and by the authority of the same, That if any of Majesty's subjects shall, from and after the twentieth day of February in the year of our Lord one thousand seven hundred and eighteen, sail, go or repair to or be in the East Indies or parts before-mentioned, or any of them, contrary to the laws now being or contrary to the tenor of this act, every such person or persons so offending shall be liable to such punishment, as any law or laws now in being may be inflicted for such offence.

II. And to the intent that such offender and offenders may be brought to justice, it is hereby enacted, That it shall and may be lawful to and for the united company of merchants of England trading to the East Indies, and their successors, to take, arrest and seize or cause to be taken, arrested and seized, such person or persons, being a subject or subjects of his Majesty, his heirs or successors, at any place or places, or where he or they shall be found within the limits or places aforesaid; and the person or persons so taken, arrested and seized, to send and remit to the land, there to answer for the offence aforesaid, according to the course of law.

III. And it is hereby further enacted by the authority aforesaid, That all and every person and persons, who from and after the fifth day of February one thousand seven hundred and eighteen, shall procure, solicit for, obtain, or act under any commission, authority, or pass from any foreign prince, state or potentate whatsoever, to sail or go, or trade in or to the East Indies or any the parts aforesaid, every such person or persons so offending herein, shall incur and forfeit for every such offence, the sum of five hundred pounds.

IV.

IV. And it is hereby enacted, That all the said penalties and forfeitures shall or may be sued for and recovered in any of his Majesty's courts of record at *Westminster*, by bill, plaint, information, or otherwise, wherein no essoin, wager of law, or protection, shall be allowed, nor any more than one imparlance; one half-part of which said penalties and forfeitures shall be to the use of such person or persons as will inform or sue for the same; and the other half-part to his Majesty, his heirs and successors.

Forfeitures,
how to be re-
covered and
disposed.

V. Provided always, That this act, or any thing herein contained, shall not extend, or be construed, deemed, or taken to extend, to restrain or prejudice such trade or right of trade or navigation within any part of the limits aforesaid, as the governor and company of merchants of *Great Britain* trading to the *South-Seas*, and other parts of *America*, and for encouraging the fishery, now are entitled unto; any thing herein contained to the contrary in any wise notwithstanding.

Not to preju-
dice the *South-
Sea* company.

VI. Provided nevertheless, and it is hereby enacted, That this act shall continue in force for five years, and from thence to the end of the next session of parliament, and no longer. *Continued by 9 Geo. 1. c. 26. sect. 10. for seven years from March one thousand seven hundred twenty three, and further continued by 5 Geo. 2. c. 29. for seven years from May one thousand seven hundred thirty two, and by 20 Geo. 2. c. 47. to 25 March one thousand seven hundred and eighty.*

Continuance
of this act.

C A P. XXII.

An act for enlarging the time to determine claims on the forfeited estates.

WHEREAS by an act made in the fourth year of his Majesty's reign, intituled, An act for vesting the forfeited estates in *Great Britain* and *Ireland* in trustees, to be sold for the use of the publick; and for giving relief to lawful creditors by determining the claims; and for the more effectual bringing into the respective exchequers the rents and profits of the said estates, till sold, it is (amongst other things) enacted, That the commissioners and trustees therein named, or any four or more of them should, and they are hereby required and impowered to hear, determine and adjudge, all and every claim or claims which then were or should, within the times therein mentioned, be entered, as soon as conveniently might be, before the twenty fifth day of March one thousand seven hundred and nineteen: and whereas it is (by the said recited act) further enacted, That every claimant, who shall not acquiesce and rest satisfied in the judgment, determination, or decree of the said commissioners and trustees may, within the time therein mentioned, appeal from and present exceptions thereto, in such manner as by the said act is directed; and for the determining such appeals, it is thereby also enacted, That it should be lawful for his Majesty, by commission under the great seal of *Great Britain* and *Ireland* respectively, to nominate, appoint and authorize, any five of the judges of *England*, *Scotland* and *Ireland* respectively (the major part whereof to be a Quorum) which should

4 Geo. 1. c. 2.

be courts of delegates and of record in England, Scotland and Ireland respectively, to hear and determine such appeals, and to affirm, repeal, alter or reverse the judgments, determinations or decrees of the said commissioners and trustees; all which appeals should be by the respective courts of delegates, finally heard and determined before the twenty fourth day of June one thousand seven hundred and nineteen: and whereas by reason of the great number of claims made and entered on the said forfeited estates, very many of them will, on the said twenty fifth day of March one thousand seven hundred and nineteen, be left unheard and undetermined; be it enacted, &c.

The time for hearing claims enlarged to June 24, 1720. and from thence to the end of the next session. The King may appoint five of the judges to be a court of record. The time given to the courts of delegates enlarged to Sept. 29, 1720. and from thence to three months after the end of the next session. The time for discovery of any concealed debts, &c. enlarged to 24 June 1720, and from thence to the end of next session. And the discoverers entitled to the benefits of the act 1 Geo. 1. stat. 2. c. 50. The courts of delegates to appoint registers, clerks, &c. who shall be sworn. And shall have such salaries, as the treasury shall judge reasonable. To be paid as directed by the act 4 Geo. 1. c. 8. The courts of delegates may remit to the commissioners such claims as they shall think proper, who shall proceed as directed by the delegates. But claimants may appeal from such subsequent proceedings. The delegates in England may determine appeals relating to estates in Ireland. And their determination shall be binding. Any three of the commissioners residing in England, &c. shall be a court of record in Ireland, and their decrees shall be valid. Persons pretending title to estates seized in Scotland, and that the persons attainted were not possessed thereof; or that they have right to such estate as superior or vassal, by virtue of 1 Geo. 1. stat. 2. c. 20. may present their exceptions to the court of sessions in Scotland, before August 1, 1719, which court shall determine the same in a summary way before Nov. 1, 1719. If it appear that the attainted persons had such estate, or that the claim of the party excepting should have been entered by virtue of 1 Geo. 1. stat. 2. c. 50. it shall not be determined by the court, but as by 4 Geo. 1. c. 8. is directed, unless the party excepting claim by 1 Geo. 1. stat. 2. c. 20. The commissioners shall make proper defences. If no exceptions be presented, as above, all rights, &c. shall be void. Decrees of the court of sessions shall be final. No advocacy, &c. shall be granted, and no summons, &c. issued by the said court, or any other, for levying the rents, &c. at the instance of any persons but the commissioners. Superiors and vassals shall pay a proportional share of the debts of attainted persons. 1 Geo. 1. stat. 2. c. 20. All claims entered within the times appointed, as well those signed by attornies, &c. as by the parties themselves, shall be determined according to their validity. 4 Geo. 1. c. 8. Offices of keepers of his Majesty's houses, &c. in Scotland, whereof any attainted person was possessed on June 24, 1715. and all rights, &c. shall be at the King's disposal. Also all rights of patronage of churches, &c. which belonged to any attainted person, as above, shall belong to his Majesty, &c. E X P.

C A P. XXIII.

An act for appointing a commissioner and trustee to put in execution the powers and authorities of the several acts of parliament relating to the forfeited estates, and estates given to superstitious uses, in the room of George Treby esq; who has desired to be discharged from the said trust. E X P.

The forfeited estates, &c. which by 4 Geo. 1. c. 8. were vested in George Treby, esq; and not sold before March 25, 1719. and all powers, &c. shall be transferred from him and vested in Charles Long, esq; his heirs, &c. Commissioner absenting from such office for three weeks, without order or con-

consent of four commissioners shall forfeit 500l. to be stopped by the treasury out of his salary.

C A P. XXIV.

An act for the better preventing frauds committed by bankrupts. For seven years and from thence to the end of the next session of parliament. X P.

See 11 Geo. 1. c. 29. 13 Geo. 1. c. 27. 3 Geo. 2. c. 22. 5 Geo. 2. c. 30.

C A P. XXV.

An act for continuing the act made in the eighth year of the reign of the late Queen Anne, to regulate the price and assize of bread; and for continuing the act made in the twelfth year of her said late Majesty's reign, for the better encouragement of the making sail-cloth in Great Britain.

WHEREAS divers temporary laws, which by experience have been found beneficial and useful, are expired or near expiring; therefore for continuing the same, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That an act made in the session of parliament, held in the eighth year of the reign of her late majesty Queen Anne, intituled, *An act to regulate the price and assize of bread*, which was to continue for three years, and from thence to the end of the next session of parliament, which act was further continued by an act made in the first year of his present majesty King George, for three years, and will expire at the end of this present session of parliament, shall continue and remain in full force, with such alterations as were made in and by the said act, passed in the first year of his present Majesty's reign, for the term of five years, and from thence to the end of the next session of parliament.

The act of 8 Ann. c. 18. continued by 1 Geo. 1. stat. 2. c. 26. farther continued for five years, and to the end of the next session of parliament. Continued by 21 Geo. 2. c. 46.

II. And be it further enacted by the authority aforesaid, That an act made in the session of parliament, held in the twelfth year of her said late majesty Queen Anne, intituled, *An act for the better encouragement of the making of sail-cloth in Great Britain*, which was to continue for the term of seven years, and from thence to the end of the next session of parliament, shall be continued and remain in full force, for the term of seven years, and from thence to the end of the next session of parliament. Farther continued for seven years by 10 Geo. 1. c. 17. sect. 3. and by 20 Geo. 2. c. 45.

The act 12 Ann. stat. 1. c. 16. continued for seven years, and from thence to the end of the next session of parliament.

C A P. XXVI.

An act for preventing the mischiefs which may happen by keeping too great quantities of gunpowder in or near the cities of London and Westminster, or the suburbs thereof.

WHEREAS great quantities of gunpowder are frequently lodged and kept in ware-houses and other places in and about the cities of London and Westminster, and the suburbs thereof, to the apparent danger, if not utter ruin and destruction of several publick offices, and of the lives and fortunes of many thousands of his Majesty's subjects: for preventing the mischiefs aforesaid, be it enacted

After Aug. 1,
1719, above
600l. of gun-
powder shall
not be kept in
any store-
house, &c. in
London,
Westminster,
&c. By 11 Geo.
1. c. 23. not
more than
200lb. is to be
kept, &c.
22 Geo. 2. c. 38.
Two justices
may summon
persons trad-
ing in gun-
powder, and
examine them
upon oath.

Persons refus-
ing to be ex-
amined, to be
committed
without bail
till they con-
form.

Persons hav-
ing above
600lb. of gun-
powder, with-
in the said li-
mits, the jus-
tices shall
cause them to
remove the
same.

Persons refus-
ing, to forfeit
20s. for every
100lb. to the
informers.

Two justices
may issue war-
rants for

acted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *August* one thousand seven hundred and nineteen it shall not be lawful for any person or persons to have or keep more than six hundred pounds of gunpowder, each hundred containing five score pounds net weight, at any time, in any store-house, ware-house, or other place, within the cities of *London* and *Westminster*, or either of them, or within the suburbs thereof, or within three miles of the *Tower of London*, or within three miles of his Majesty's palace at *St. James's*, or within two miles of any magazine now erected for keeping gunpowder, belonging to his Majesty, his heirs or successors; for the use of the publick.

II. And be it further enacted by the authority aforesaid, That from and after the said first day of *August* one thousand seven hundred and nineteen it shall and may be lawful for any two or more of his Majesty's justices of the peace, living within any of the limits aforesaid, to summon before them any person or persons, making, dealing or trading in gunpowder, or who shall be suspected to have in his or their custody or possession, or in the custody or possession of any other person or persons, in any store-house, ware-house, or other place within the limits aforesaid, and to examine such person or persons upon oath touching the premises; and in case of refusal to be examined, to commit such person or persons to the county gaol, there to remain without bail or mainprize, until he, she or they shall conform or submit to answer, and be examined, as aforesaid; and if it shall appear upon such examination, or by the oaths of any two or more credible witnesses, (which oaths such justices are hereby empowered and required to administer) that such person or persons have or hath in his, her or their custody or possession, at any one place within the limits aforesaid, more than six hundred pounds of gunpowder, as aforesaid, such justices shall forthwith cause all and every the persons aforesaid carefully to remove the same out of the limits aforesaid; and if such person or persons shall refuse or neglect to remove such gunpowder out of the limits aforesaid, by the space of twenty four hours after notice of any order made by any such justices for removal thereof, every such person or persons so offending shall, for every such offence, forfeit the sum of twenty shillings for every hundred pound of gunpowder, with full costs of suit, to any person or persons who shall, within six calendar months next after such notice, inform or sue for the same, by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, privilege, protection, order of restraint, wager of law, or more than one imparlance shall be granted or allowed.

III. And be it further enacted by the authority aforesaid, That it shall be lawful for any two or more of his Majesty's justices of the peace, living within the limits aforesaid, after the
first

first day of *August* one thousand seven hundred and nineteen, from time to time, to issue their warrant or warrants for searching in the day time any store-house, ware-house, or other place, used for keeping gunpowder within the limits aforesaid, and for that purpose to break open any such store-house, ware-house, or other place aforesaid, if there shall be occasion; and that every person who shall oppose or hinder any such search shall, for every such offence, forfeit the sum of five pounds to any person or persons who shall inform and sue for the same, within six calendar months next after the offence committed, in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint or information, wherein no essoin, privilege, protection, order of restraint, wager of law, or more than one imparlance shall be granted or allowed; and in case more than six hundred pounds of gunpowder, as aforesaid, shall upon search, be found in any store-house, ware-house, or other place aforesaid, such justices shall forthwith cause the same to be carefully removed out of the limits aforesaid, at the charge of the owner or owners of such gunpowder, or other person or persons having the custody or keeping thereof, to be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of such justices, rendering the overplus to the owner.

searching any store-house, &c.

Opposing such search forfeits 5^l.

If more than 600 lb. be found in any store-house, the justices may cause it to be removed at the expence of the owner.

IV. And for preventing dangerous carriages of gunpowder in and through the streets of *London* and *Westminster*, and the suburbs thereof; be it enacted by the authority aforesaid, That from and after the said first day of *August* one thousand seven hundred and nineteen, it shall not be lawful for any person or persons to carry or convey, in or through any of the streets or lanes within the cities of *London* and *Westminster*, or either of them, or within the suburbs thereof, more than twenty hundred pounds of gunpowder, each hundred containing five score pounds net weight, at a time; and that all gunpowder which shall be carried or conveyed in any carts or carriages in or through any of the streets or lanes aforesaid, after the time aforesaid, shall be carried in covered carts or carriages, and the barrels in which such gunpowder is carried shall be close jointed and hooped, and shall be put into bags or cases of leather or canvas; and gunpowder carried by man or horse shall be put into cases of leather or canvas, and entirely covered therewith, so as that no such gunpowder be spilt or scattered in the passage thereof; and if at any time after the said first day of *August* one thousand seven hundred and nineteen, any gunpowder shall be carried or conveyed by any person or persons, in or through any of the streets or lanes aforesaid, in any greater quantity, or in any other manner, than as aforesaid, all such gunpowder shall be forfeited, and shall and may be seized by any person or persons to his or their own use and benefit, the person or persons so offending being thereof lawfully convicted before two justices of the peace.

After the said Aug. 1. above 2000 lb. of gunpowder shall not be carried at a time, in the streets of *London*, &c.

And shall be in covered carts, &c. and the barrels shall be put into bags, &c.

If carried by man or horse, shall be put into cases of leather, &c.

Gunpowder carried otherwise shall be forfeited, and may be seized by any person to his own use.

Not to extend
to the King's
store-houses,
&c.

V. Provided always, That this act, or any thing herein contained, shall not extend or be construed to extend in any wise to affect any store-house or magazine belonging to his Majesty, his heirs or successors, wherein gunpowder or other stores shall be kept for the use of the publick, or to hinder the proving or trying gunpowder by his Majesty's officers, as is usual, for the service of his Majesty, his heirs or successors, or to the carrying of gunpowder to or from any of his Majesty's magazines, or with forces in their marches.

Persons sued
may plead the
general issue,
&c.

VI. And be it further enacted by the authority aforesaid, That if any suit or action shall be commenced or prosecuted against any person or persons for any thing done in pursuance of this present act, in every such case such person or persons shall and may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance or by the authority of the said act; and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her or their suit or action, after issue joined, or if upon demurrer, or otherwise, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and shall have the like remedy for the same, as any defendant or defendants hath or have in other cases by law.

and shall re-
cover treble
costs.

Actions to be
brought in
the proper
county, and
within six
months.

VII. Provided always, and be it enacted, That all suits, actions and prosecutions to be brought, commenced or prosecuted against any person or persons, for any thing done or to be done in pursuance or by authority of this act, shall be laid and tried in the county where the fact was committed, and shall be commenced and prosecuted, without wilful delay, within six calendar months next after the fact committed, and not otherwise.



VIII. *And whereas it may be necessary that new ware-houses for keeping gunpowder should be erected in some place or places out of the limits aforesaid, at convenient distance from the city of London and from whence sufficient quantities of gunpowder may with greater safety be supplied, as occasion requires: and whereas there are large tracts of marsh and meadow grounds in the counties of Essex, Kent and Surrey, where new ware-houses may be commodiously erected, such marsh and meadow grounds being at good distance from dwelling houses or habitations, and therefore, and by reason of their adjacency to the river Thames, are convenient for such ware-houses; but forasmuch as any person or persons who may be desirous to erect any such ware-houses there, may be liable to actions or disturbance on that account, or may be unreasonably imposed upon in the purchase thereof:* be it enacted by the authority aforesaid, That the justices of the peace for the said counties of *Essex, Kent and Surrey* respectively, shall at their general quarter sessions of the peace to be holden for the said counties respectively, appoint some proper and convenient plot or plots of ground out of the limits aforesaid, not exceeding two acres, in any one place in each county, being situate in

The justices
for Essex,
Kent and
Surrey may
in their ses-
sions appoint
proper places,

the

the said counties of *Essex, Kent* or *Surrey*, and adjacent to or near the river *Thames*, on which plot or plots of ground so to be appointed, it shall and may be lawful for any person or persons desirous so to do, to erect any ware-houfe or ware-houfes for keeping gunpowder, first agreeing with the owners and proprietors of the said ground for the same; and in case any such owner or proprietor shall refuse or neglect to agree, or by reason of any disability or impediment cannot so agree, the justices of the peace for the said counties of *Essex, Kent* and *Surrey* respectively shall, at their general quarter sessions, issue their warrant or warrants to the sheriffs of the said counties respectively, to impanel and return before them, at such times and places as shall be appointed in such warrant or warrants, a sufficient jury, who upon their oaths (which oaths the said justices respectively are hereby impowered to administer) shall inquire into the true value of the said plot or plots of ground so to be appointed for gunpowder ware-houfes as aforesaid; and all such verdict and inquisitions shall be kept with the records of the said sessions respectively; and the judgments and decrees of the said justices respectively thereupon shall be final and conclusive to all parties; and to that end the said justices respectively shall have power to send for any person or persons interested, and to examine any parties or witnesses upon oath, as they shall think fit (all which oaths the said respective justices are hereby impowered to administer;) and the sum or sums of money to be assessed and adjudged as aforesaid, not exceeding thirty years purchase, shall be paid to the respective proprietors and owners of the said ground, according to their respective interests therein, to be adjudged by the said justices respectively as aforesaid; and upon such payment, or in case of refusal to accept the same, then upon leaving the same with the said respective justices for the benefit of such owner or proprietor, the inheritance of the said plot or plots of ground shall be vested in the purchasers thereof and their heirs and assigns, for the purposes aforesaid; and the ware-houfes aforesaid, and all other ware-houfes for gunpowder, which shall be erected on or near the river *Thames*, shall be built and secured, from time to time, in such manner as shall be prescribed and directed by the principal officers of his Majesty's ordnance.

IX. *And whereas several leases, covenants, articles and agreements have been made and granted to several persons of ware-houfes and store-houfes for keeping of gunpowder:* be it therefore enacted by the authority aforesaid, That all such leases, covenants, articles and agreements, made or entred into as aforesaid, of any such ware-houfes or store-houfes within the cities of *London* and *Westminster*, and suburbs thereof, shall, if the tenants or lessees shall desire the same, from and after the first day of *August* one thousand seven hundred and nineteen, be null and void to all intents and purposes whatsoever, as absolutely as if such leases, covenants, articles and agreements had never been made or

on which any persons may erect ware-houfes, first agreeing with the owners.

Owners refusing or disabled to agree, the justices may issue warrants to the sheriff to impanel a jury to inquire into the true value of the ground;

and the justices decrees thereon shall be final.

The money assessed shall be paid to the proprietors; or on their refusal to accept it, left with the justices, and the inheritance shall be vested in the purchasers. The ware-houfes to be built, &c. as directed by the officers of the ordnance,

After Aug. 1. 1719, all leases, &c. of ware-houfes for gunpowder, &c. shall, if the lessees desire it, be void.

granted; any law, act, statute, provision, custom, matter or thing to the contrary in any wise notwithstanding.

This act shall not discharge any rent due before March 25, 1719.

X. Provided, That nothing herein contained shall discharge any rent due on or before the twenty-fifth day of *March* one thousand seven hundred and nineteen, or any demand for breach of any covenant before that time.

CAP. XXVII.

An act to prevent the inconveniencies arising from seducing artificers in the manufactures of Great Britain into foreign parts.

WHEREAS divers ill-disposed persons, as well foreigners, as subjects of this kingdom by confederacy with foreigners, have of late drawn away and transported, and have also made divers attempts to entice, draw away and transport several artificers and manufacturers of and in wool, iron, steel, brass and other metals, clock-makers, watch-makers and divers other manufacturers of Great Britain, out of his Majesty's dominions into foreign countries, by entering into contracts with them to give them greater wages and advantages than they have or can reasonably expect within this kingdom, and by making them large promises and using other arts to inveigle and draw them away: and whereas there is great danger that, by means of these and such like practices, many great and profitable branches of the trades and manufacturies of this kingdom may be transplanted into foreign countries: therefore for the preventing the like practices for the future, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That if at any time hereafter any person or persons shall contract with, entice, endeavour to persuade or solicit any manufacturer or artificer of or in wool, iron, steel, brass or any other metal, clock-maker, watch-maker or any other artificer or manufacturer of *Great Britain*, to go out of this kingdom into any foreign country out of his Majesty's dominions, and shall be lawfully convicted thereof upon any indictment or information which shall be preferred or brought against him or them in any of his Majesty's courts at *Westminster*, or at the assizes or general gaol delivery, or quarter-sessions of the peace for the county, riding or division where such offence shall be committed, the person and persons so convicted shall be fined any sum not exceeding one hundred pounds for such first offence, according to the discretion of the court in which such conviction shall be, and shall be imprisoned for the space of three months, and until such fine shall be paid; and if any person or persons, having been once convicted as aforesaid, shall offend again, and be so convicted a second time of the like offence, then and in such case the person so convicted a second time shall be fined at the discretion of the court where such conviction

Persons convicted of contracting with or enticing, &c. any artificer in wool, iron, &c. to go into a foreign country, shall be fined not exceeding 100l. for the first offence, and be imprisoned for three months.

And for the second offence shall be fined discretionarily and imprisoned for twelve months.

viction shall be, and be imprisoned for twelve months, and until such fine shall be paid.

II. Provided nevertheless, That no person or persons shall be prosecuted for any of the offences aforesaid, unless such prosecution shall be begun within the space of twelve months next after such offence shall be committed.

III. And be it further enacted by the authority aforesaid, That if any of his Majesty's subjects within this kingdom, being such artificer or manufacturer as aforesaid, shall, at any time after the first day of *May* in the year of our Lord one thousand seven hundred and nineteen, go into any country out of his Majesty's dominions, there to use or exercise, or to teach any of his said trades or manufacturers to foreigners, or in case any of his Majesty's subjects now being, or who hereafter shall be in any such foreign country out of his Majesty's dominions as aforesaid, and there using or exercising any of the said trades or manufactures herein before-mentioned, shall not return into this realm within six months next after warning shall be given to him by the ambassador, envoy, resident, minister or consul of the crown of *Great Britain* in the country in which such artificer shall be, or by any person authorized by such ambassador, envoy, resident, minister or consul, or by one of his Majesty's secretaries of state for the time being, and from thenceforth continually inhabit and dwell within this realm, then and in such case every such person or persons shall be from thenceforth incapable of taking any legacy that shall be devised to him within this kingdom, or of being an executor or administrator to any person or persons within this kingdom, and shall be incapable of taking any lands, tenements or hereditaments within this kingdom by descent, devise or purchase, and also forfeit all his lands, tenements, hereditaments, goods and chattels within this kingdom, to his Majesty's use, and shall from thenceforth be and be deemed and taken to be an alien, and shall be out of his Majesty's protection.

IV. And be it further enacted by the authority aforesaid, That from and after the said first day of *May* one thousand seven hundred and nineteen, upon complaint made upon oath before any justice or justices of the peace, that any person or persons is or are endeavouring to seduce or draw away any such manufacturer or artificer as aforesaid out of his Majesty's dominions, for any of the purposes aforesaid, or that any such manufacturer or artificer as aforesaid hath contracted, promised or is preparing to go out of his Majesty's dominions for any of the purposes aforesaid, then and in such case it shall and may be lawful to and for the justice or justices of the peace unto whom such complaint shall be made, to send forth his warrant to bring the person and persons so complained of before him or them, or some other of his Majesty's justices of the peace for the same county, riding, division or city; and if when such person or persons shall be so brought before such justice or justices, it shall appear to such justice or justices, by the oath or oaths of one or more credible

Persons refusing to give such security may be committed.

Persons convicted shall give security not to depart the kingdom, or be imprisoned till such security given.

Offenders in Scotland to be prosecuted in the court of judiciary or circuits there.

witness or witnesses, or by the confession of the party or parties so brought before him or them, that the party so complained of was guilty of any of the said offences, then and in such case it shall and may be lawful to and for such justice and justices to bind the person so charged to appear at the next assizes, general gaol delivery or quarter sessions of the peace for the county, city, riding or division where such offence shall be committed, to answer the premises, with reasonable sureties for such his appearance; and in case such person or persons shall refuse or neglect to give such security, then and in such case it shall and may be lawful to and for such justice and justices to commit the person or persons so refusing to the county gaol, there to be kept until the next assizes or next quarter sessions of the county, city, riding or division where such commitment shall be, at the election of such justice of the peace, and until he, she or they shall be delivered by due course of law; and in case any such artificer or manufacturer shall be convicted upon any indictment to be preferred against him at such assizes or general gaol delivery, or quarter-sessions of the peace as aforesaid, of any such promise or contract, or preparation to go abroad beyond the seas, for any of the purposes aforesaid, then and in such case the person so convicted shall give such security to his Majesty, his heirs and successors, not to depart out of his Majesty's dominions for any of the purposes aforesaid, as such court shall think reasonable, and shall be imprisoned until such security shall be given.

V. And be it further enacted by the authority aforesaid, That if any of the above-mentioned offences shall be committed in that part of *Great Britain* called *Scotland*, the same shall be prosecuted in the court of judiciary or the circuits there.

C A P. XXVIII.

An act for the further punishment of such persons as shall unlawfully kill or destroy deer in parks, paddocks, or other inclosed grounds.

3 & 4 W. & M. c. 10.
5 Geo. 1. c. 15.
9 Geo. 1. c. 22.
1688. 13.

After May 1, 1719, persons convicted of entering into any park, &c. and killing or wounding any deer, without consent of the owner, &c. or aiding, &c.

WHEREAS in defiance of the laws already in being, several disorderly and riotous persons have of late, in great numbers, with armed force, entered parks and other inclosed grounds where deer are kept, whereby bloodshed and murder hath frequently happened, and greater mischiefs may ensue: for the preventing and punishment of which offences, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, That if any person or persons shall, from and after the first day of *May* one thousand seven hundred and nineteen, enter into any park, paddock or other inclosed ground where deer are usually kept, and wilfully wound or kill any red or fallow deer there, without the consent of the owner or owners of such park, paddock or inclosed ground, or of the person or persons entrusted with the care or custody of such park, paddock or inclosed ground, or shall be aiding or assisting in the

com-

committing of any such offence, and being indicted for any such offence before any judge or justices of gaol delivery for the county wherein such park, paddock or inclosed ground shall lie, and shall upon such indictment be by verdict or his own confession convicted of any such offence, the person or persons so convicted as aforesaid shall be sent, as soon as conveniently may be, to some of his Majesty's plantations in *America* for the space of seven years; and the court before whom such offender or offenders shall be convicted, or any subsequent court held at the same place with like authority as the former, shall have power to convey, transfer and make over such offenders, by order of court, to the use of any person or persons who shall contract for the performance of such transportation.

shall be transported for seven years.

II. Provided, that nothing herein contained shall be expounded, deemed or taken to repeal, alter or make void any former law or statute now in being, made or intended for the punishment of deer-stealers: and provided also, That where any offender shall be punished by force of this act, and according to the true intent and meaning thereof, he shall not be prosecuted nor incur any penalty for the same offence by force of any other law or statute whatsoever.

This act shall not repeal, &c. any former law against deer-stealers. Offenders punished by this act, shall not be again prosecuted for the same offence.

C A P. XXIX.

An act for making more effectual the laws appointing the oaths for security of the government to be taken by ministers and preachers in churches and meeting-houses in Scotland.

WHEREAS sundry persons, expectants of divinity, have presented themselves to presbyteries in Scotland, in order to obtain licences to preach in churches, or being ordained ministers of the church of Scotland, without taking any oath or declaration, whereby their affection to his Majesty's person and government, and to the settlement of the crown in the protestant line, might be known: and whereas also divers persons have preached and performed other parts of divine worship in meeting-houses in Scotland, who do not take the oaths and declarations appointed by law to be taken by pastors or ministers of the episcopal congregations there, nor do pray for his majesty King George, nor for their royal highnesses the prince and princess of Wales and their issue; by all which means men disaffected being licensed or suffered to preach, may and do sow the seeds of disaffection amongst the people: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and the commons, in this present parliament assembled, and by the authority of the same, That all and every person who has obtained licence, and been admitted to preach by any presbytery in Scotland, and has not taken the oaths to the government, or who, on or after the first day of June one thousand seven hundred and nineteen, shall present himself to be tried as to his qualifications to be licensed or admitted to preach, or to be ordained a minister of the church of

Persons having obtained licences to preach in Scotland, and have not taken the oaths to the

government, or who after June 1, 1719, shall present themselves to be licensed to preach, &c. shall first take the following oath in the court of the lords of session, &c.

Scotland, shall, before the said day, or his obtaining such licence to preach, or being admitted or ordained to be minister, take and subscribe, before and in the court of the lords of session, or the court of justiciary, or the court of exchequer in Scotland, or before the justices of the peace at their quarter sessions held for any shire, stewartry, city or borough in Scotland, or before sheriffs or stewarts, or their deputies, in open court held for their shire or stewartry, within which shire, stewartry, city or borough respectively such person has residence, or within which the presbytery to which he shall present himself, in order to enter upon his trials for obtaining a licence or being ordained, shall be held, the following oath :

The oath.

I *A. B. do truly and sincerely acknowledge, profess, testify and declare in my conscience, before God and the world, that our sovereign lord King George is lawful and rightful King of Great Britain, and all other his Majesty's dominions thereunto belonging; and I do solemnly and sincerely declare, That I do believe in my conscience, that the person pretended to be prince of Wales during the life of the late King James, and since his decease pretending to be and taking upon himself the stile and title of King of England, by the name of James the Third, or of Scotland, by the name of James the Eighth, or the stile and title of King of Great Britain, hath not any right or title whatsoever to the crown of this realm, or any other the dominions thereto belonging; and I do renounce, refuse and abjure any allegiance or obedience to him; and I do swear, that I will bear faithful and true allegiance to his majesty King George, and him will defend to the utmost of my power against all traitorous conspiracies and attempts whatsoever, which shall be made against his person and government; and I will do my utmost endeavour to disclose and make known to his Majesty and his successors all treason and traitorous conspiracies, which I shall know to be against him or any of them; and I do faithfully promise to the utmost of my power to support, maintain and defend the succession of the crown in the heirs of the body of the late princess Sophia, electress and dutchess of Hanover, being protestants, against him the said James, and all other persons whatsoever: and all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion or secret reservation whatsoever. And I do make this recognition, acknowledgment, abjuration, renunciation and promise heartily, willingly and truly.* So help me God.

Which courts shall administer the same, and the clerks grant certificates, paying 2 s. for each.

Which courts respectively shall from time to time administer the said oath to such persons as shall tender themselves to take the same; and the clerks of such courts respectively where such oaths shall be taken, shall grant certificates bearing the day and date of taking such oaths, and names of the commissioners of the peace present, and the name and description of every person who shall take such oaths; for which certificate there shall be no more paid than two shillings.

II. And

II. And be it further enacted by the authority aforesaid, That all and every person, who shall present himself in order to trial for obtaining licence to preach, or to be ordained a minister of the church of *Scotland*, shall, before he obtain such licence or be ordained, cause to be recorded in the book of the sheriff or steward court, within the jurisdiction of which is the seat of such presbytery where he shall present himself, a certificate of his having taken and subscribed the aforesaid oath in manner as above directed.

The certificate to be recorded in the book of the sheriff, &c.

III. And be it also further enacted by the authority aforesaid, That no person shall take upon him to preach, read prayers or perform any part of divine service in any episcopal meeting-house or congregation, where the number of nine or more persons shall be present, over and besides those of the same household, in *Scotland*, or to supply the place of any pastor or pastors, minister or ministers, in any such episcopal congregation or meeting-house, but such who shall pray in express words for his most excellent majesty King *George*, their royal highnesses the prince and princesses of *Wales* and their issue, and who shall have taken and subscribed the said oath in one or other of the courts of session, justiciary or exchequer in *Scotland*, or before the justices of the peace at their quarter-sessions, or sheriffs or stewarts of any shire or stewartry, in open court as aforesaid; within which any such person or persons is resident, or the meeting-house where he shall take upon him to preach or perform any part of divine service is situated; which oaths the said judges, justices, sheriffs or stewarts shall administer; and the clerks of the court respectively shall grant certificates in the same manner as above directed in the case of such as offer themselves to trial in order to obtain licence or be ordained.

No person shall preach, &c. in any episcopal congregation in *Scotland*, but such who shall pray for King *George*, &c. and who shall have taken the said oath.

IV. And be it further enacted by the authority aforesaid, That if any expectant of divinity, hereby directed to take and subscribe the oath aforesaid, shall presume to present himself, or sue or apply to any presbytery or church judicature, in order to be ordained or licensed to preach, without having caused to be recorded, as aforesaid, a certificate of his having before taken the oaths as above directed, he shall be liable to six months imprisonment, and shall be incapable of enjoying any benefice, glebe or manse by virtue of any presentation, call or other settlement, as a minister of any parish, for the space of one year, to be reckoned from the time that he shall take the oaths after having obtained licence to preach; and all civil magistrates are hereby empowered and required to hinder any such person to preach in any church within their jurisdictions respectively; or if any person or persons shall presume to preach or perform any part of divine service in any episcopal meeting-house in *Scotland*, without praying in words express for his most excellent majesty King *George*, their royal highnesses the prince and princesses of *Wales* and their issue, or without having first taken the aforesaid oath in manner above directed, every such person or persons shall be liable to six months imprisonment; and every meeting-house

Any expectant of divinity presenting himself to be ordained, &c. without having recorded a certificate of his having taken the oaths, shall be liable to six months imprisonment, incapable of enjoying any benefice, &c.

house where such offence shall be committed, shall be shut up for six months.

Penalties,
how to be dis-
posed and re-
covered.

V. And be it further enacted by the authority aforesaid, That one moiety, not exceeding a half-year's stipend of the parishes respectively concerned, of such penalties as shall be incurred by virtue of this act, shall belong and go to such person or persons as shall inform against and prosecute to conviction the persons offending; and the other moiety to the poor of the parish where such offence shall be committed; and the said moieties respectively of the penalties aforesaid shall be recoverable by way of action or summar complaint, without abiding the ordinary delays of process, in any court of law within *Scotland*; and no advocacy or suspension, or other stop of such prosecution, before any inferior court, shall be of any force or effect in law, unless upon production of a certificate that the person prosecuted has taken the oaths above directed.

1 Geo. 1. stat.
2. c. 13.

Ministers of
the church of
Scotland ac-
quitted of the
offences of
preaching
without hav-
ing taken the
said oaths,
and of the for-
feitures, &c.
incurred by
the recited
act.

VI. And whereas divers ministers of the church of *Scotland* have, upon certain mistakes, omitted to take the oaths, and subscribe the assurance appointed to be taken and subscribed by an act made in the first year of his Majesty's reign, intituled, An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late princess *Sophia*, being protestants; and for extinguishing the hopes of the pretended prince of *Wales*, and his open and secret abettors, *within the times and terms therein mentioned, whereby the penalties and incapacities in the said act contained have been incurred: and whereas his Majesty is most graciously pleased to pardon and discharge the said penalties and incapacities*: be it therefore enacted by the authority aforesaid, that all and every minister of the church of *Scotland* shall be acquitted, pardoned, released and discharged of the offences of having preached without taking and subscribing the said oaths and assurances, and of all forfeitures, penalties and disabilities incurred on that account, by virtue of the aforesaid or any other act of parliament.

Ministers of
the church of
Scotland shall,
before June 1,
1719, take the
oath of alle-
giance, &c.

VII. And be it also further enacted, That all and every person, who now is or shall hereafter be ordained or admitted a minister of the church of *Scotland*, (excepting such who have taken and subscribed the oaths and declarations appointed by the last-mentioned statute) shall, on or before the first day of *June* one thousand seven hundred and nineteen, or before their being ordained or admitted minister of any congregation in *Scotland*, take and subscribe the oath of allegiance and the assurance, as in the said act is mentioned, and also the oath of abjuration herein before directed to be taken and subscribed in lieu of the oath of abjuration formerly required by law; and that in such manner, before such judges, in such courts, and to be certified as therein or herein is before-mentioned, and under such penalties and disabilities, as in and by the said act made in the first year of his Majesty's reign, and in and by the said acts generally therein mentioned, is directed, with respect to the oaths and declarations contained in the said act; and all and every minister who shall,

1 Geo. 1. stat.
2. c. 13.

shall, in pursuance of this act, take, or who has, in pursuance of any former act of parliament, taken the said oaths, shall cause a certificate thereof to be entred in the books of the sheriff or stewart-courts, within the bounds or jurisdictions of which lies the parish of which he is minister; and the clerks of the said courts are hereby required to enter such certificate, and grant extracts thereof to such as shall require the same, without any fee or reward, other than two shillings for every such certificate or extract.

VIII. *And whereas great obstructions have been made to the planting, supplying or filling up of vacant churches in Scotland with ministers qualified according to law, patrons presenting persons to churches who are not qualified by taking the oaths appointed by law, or who being settled in other churches cannot or will not accept of such presentations:* to the end that such inconveniencies may be prevented for the future, be it enacted by the authority aforesaid, That if any patron shall present any person to a vacant church from and after the said first day of June one thousand seven hundred and nineteen, who shall not be qualified by taking and subscribing the said oath in manner aforesaid, or shall present a person to any vacancy, who is then or shall be pastor or minister of any other church or parish, or any person who shall not accept or declare his willingness to accept of the presentation and charge to which he is presented, within the said time, such presentation shall not be accounted any interruption of the course of time allowed to the patron for presenting; but the *jus devolutum* shall take place, as if no such presentation had been offered; any law or custom to the contrary notwithstanding.

IX. And be it also further declared and enacted, That nothing herein contained shall prejudice or diminish the right of the church, as the same now stands by law established, as to the trying of the qualities of any person presented to any church or benefice.

C A P. XXX.

An act for amending and making more effectual the laws for repairing the highways, bridges and ferries in that part of Great Britain called Scotland.

WHEREAS *there are some defects in the laws already made for the better repairing of highways in that part of Great Britain called Scotland, so that they are not effectual for the purposes they were intended:* be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That all the laws and statutes now in force, made in that part of *Great Britain called Scotland* before the union of the two kingdoms, for or concerning the repairing highways, bridges and ferries, not hereby altered or repealed, shall be duly put in execution according to the tenor of the said laws, excepting such acts, or

And cause a certificate thereof to be entred in the sheriff's books, &c.

If any patron shall present to a vacant church any person not qualified, &c. the presentation shall not be an interruption to the course of time allowed the patron to present.

Nothing herein shall prejudice the rights of the church as to trying the qualities of persons presented.

All the laws made in Scotland before the union, for repairing the highways bridges and ferries, not hereby altered, shall be put in execution, except such as relate to the powers of the privy council.

any of them, or any parts thereof made before the union, as do relate to or concern the powers of the privy council of *Scotland*.

The justices of peace and commissioners of supply shall convene every 3d of May, to chuse clerks, surveyors, &c.

II. And be it enacted by the authority aforesaid, That the justices of peace and commissioners of supply for the time being, in the several shires and stewartries in that part of *Great Britain* called *Scotland*, shall meet and convene at the respective head boroughs of the said shires or stewartries upon the third *Tuesday* of *May* next to come, and thenceforward upon every such third *Tuesday* of *May* from year to year, with power to them, or any five of them, to adjourn themselves from time to time, and to chuse clerks, surveyors and overseers and all other officers necessary for putting the laws in execution in relation to the highways, bridges and ferries in that part of the united kingdom; and if any clerk, surveyor or overseer, who shall be appointed or chosen by the justices of the peace and commissioners of supply, or any five of them as aforesaid, shall refuse to accept of or take upon them any of the offices aforesaid, every such person or persons so refusing shall be subject and liable to the penalty of five pounds sterling respectively.

And every clerk, &c. so chosen, and refusing to accept of the office, shall forfeit 5l. sterling.

The said justices, &c. shall call the tenants, cottars, &c. to work three days before the last of June, and three days after harvest, yearly, till the highways, &c. are repaired.

III. And be it further enacted by the authority aforesaid, That the said justices, commissioners, or the officers or overseers to be appointed by them, shall be and they are hereby authorized and required to call and convene the tenants, cottars and other labouring men within their respective bounds as aforesaid, to work three days before the last day of *June* in the year of our Lord one thousand seven hundred and nineteen, not being in seed-time, and likewise to work three days after harvest; and so yearly and every year, until the said highways, bridges and ferries are sufficiently repaired, on such days, and at such places, as the said commissioners or their officers aforesaid shall from time to time appoint.

Tenant, &c. failing to work, shall pay 18 d. for every days failure, unless he send one to work for him.

IV. And be it further enacted by the authority aforesaid, That every tenant cottar or labouring man, who shall fail, neglect or refuse to come to work at the respective times and places to be appointed as aforesaid, (due notice being given at the respective parish-churches where any such person or persons have their residence, upon the Lord's day immediately preceding) shall be subject and liable to pay eighteen pence respectively for every such days failure, unless such person or persons send a sufficient man or men to work for him, her or them; which penalty or penalties shall be raised and levied by a warrant under the hands of any two or more of the said justices of peace or commissioners of supply, upon a certificate under the hand of the overseer or other proper officer, that such person or persons was or were absent; which justices or commissioners aforesaid are hereby authorized and impowered to cause their officers to distress and poynd the readiest goods of any person or persons so absent, for the penalty or penalties aforesaid, rendering the overplus (if any be) to the owner, the necessary charges of such distress being deducted,

Penalty to be raised by distress.

V. And

V. And be it enacted by the authority aforesaid, That the surveyors and overseers of the highways aforesaid shall, every six months after their acceptance of their office, from time to time, or sooner if required thereto, by warrant under the hands of any two or more of the justices of the peace, survey all the highways, bridges and ferries within the parish, town or precinct where they are surveyors, and give a particular and true account in writing of the state and condition of all such highways, bridges and ferries, and more especially of such defects or nuisances made, or encroachments committed upon the said highways or any part thereof, as also what repairs or amendments the said highways do want, to the justices of the peace and commissioners of supply at their first meeting thereafter; that the said justices of the peace and commissioners of supply may have full information of the state and condition of all the said highways, bridges and ferries within their respective shires and stewartries, to the end that the several laws made on that behalf may be duly executed; and all surveyors and overseers neglecting to give such account as aforesaid, or to prosecute such as offend against this act, shall suffer the same penalties as if they refused to execute the offices aforesaid.

VI. And be it further enacted by the authority aforesaid, That the justices of the peace, and commissioners of supply, in their respective shires and stewartries aforesaid, shall and are hereby authorized and required to draw up a report of the state and condition of the highways, bridges and ferries, within their respective bounds yearly, containing an account of the number of men and horses that have been employed in the repairing and amending such highways, bridges and ferries, as aforesaid, within the respective bounds, for the year preceding; which report the said justices and commissioners aforesaid shall, and they are hereby authorized and required to deliver to the lords of his Majesty's justiciary at their circuits, to be recorded in their journals (beginning with the first circuit, which shall be in the year of our Lord one thousand seven hundred and twenty, and so forth yearly) by the hands of the clerks of the commissioners of peace, or by the clerk of the supply of their respective bounds.

VII. And be it further enacted by the authority aforesaid, That the penalties in this act (other than such as shall be incurred by the tenants, cottars, and other labouring men, by reason of their failing to work on the respective days to be appointed, as aforesaid) shall be raised and levied by sentence of the justices of the peace, and commissioners of supply, or any five of them; and the expences of the prosecution shall be carried on and defrayed by the respective shires and stewartries aforesaid, at the suit of such of the surveyors or overseers as the said justices and commissioners shall from time to time appoint; and such penalties being so levied, shall be and are hereby appointed to be applied for repairing and amending such highways, bridges or ferries, in the respective shires or stewartries where

where such penalties shall be incurred, as the justices of the peace, or the commissioners of supply shall appoint, and in default of such appointment, for repairing and amending such highways, bridges or ferries, as the lords of justiciary in their circuits shall direct.

Prosecution
within one
year after the
offence.

VIII. Provided always, That no person or persons shall be punished for any offence against this act, unless such offender be prosecuted for the same within one year after the said offence shall be committed.

C A P. XXXI.

An act for enlarging the time granted by an act of the ninth and tenth years of King William, for cleansing and making navigable the chanel from the Hythe at Colchester to Wivenhoe; and for making the said act more effectual.

9 & 10 W. 3.
c. 19.
Made perpetual
13 Geo. 2. c.
30.

WHEREAS an act passed in the ninth and tenth years of the reign of his late majesty King William the Third intitled, An act for cleansing and making navigable the chanel from the Hythe at Colchester to Wivenhoe, which act was made to continue from the first day of May one thousand six hundred ninety and eight, for and during the space of one and twenty years, during which term certain duties are by the said act laid upon such goods, wares and merchandizes for the purposes aforesaid, as in the said act are mentioned, upon the credit of which act the commissioners therein appointed, have pursuant to the authority thereby given, borrowed monies for the more speedy and effectual compleating the said work; but the said duties falling short, there hath not been sufficient raised thereby either to perform the said work, or to pay the whole money borrowed for that purpose; but the sum of one thousand and two hundred pounds, or thereabouts, doth now remain due to the executor of William Hewer, late of Clapham in the county of Surrey, esq; upon security of the premises; which cannot be repaid, nor the said chanel be effectually repaired and amended, according to the intent of the said act, unless a further provision be made by parliament, and the said act be made more effectual: may it therefore please your most excellent Majesty, That it may be enacted, &c.

The recited act continued from May 1, 1719. till May 1, 1740. The duties granted by this act shall be one moiety of the duties granted by the former act, and shall be charged on all such goods, &c. and raised in such manner as by the said former act. The duties hereby granted, to be a security for repayment of the money due to the executor of William Hewer, esq; in case of death, &c. of the commissioners, the survivors to nominate others. The mayor, &c. of Colchester may engage the profits for any term not exceeding 21 years, for securing the repayment of any sum of money towards carrying on the said work. Where ballast shall be taken and how much shall be paid for it. Ballast may be taken of other persons, paying 2d. per tun to the collector of the chanel-duties. Masters, &c. taking ballast otherwise, shall forfeit 10l. The mayor &c. of Colchester may make and use a track-path from Wivenhoe to the Hythe on one side of the river, and from Fingrinhoe to the Hythe on the other side, first agreeing with the proprietors of the land; and if the proprietors refuse or are disabled to agree, the commissioners may issue their warrant to the sheriff of

if *Essex*, to impanel a jury to assess damages and recompence to be given to the owners, &c. And the commissioners shall give judgment for the sums so assessed. Goods landed or loaded at any wharf below *Wrovenbos*, subject to the duties. No commissioner shall have any place of profit arising by the said duties; nor farm any Key, &c. Thirteen commissioners to be at each meeting. This act shall not extend to corn, &c. All the nonies shall be applied to the uses hereby directed. Commissioners to bear their own charges.

CAP. XXXII.

An act for relief of such sufferers of the islands of Nevis and St. Christophers, as have settled in either of those islands, and made due proof of such settlement before the twenty-fifth day of December one thousand seven hundred and twelve.

WHEREAS by an act made in the ninth year of the reign of ^{9 Ann. c. 23.} her late majesty Queen Anne, for the licensing and regulating hackney coaches and chairs, and for other purposes therein mentioned, a sum of one hundred three thousand and three pounds eleven shillings and four pence, is appointed to be distributed to and amongst such proprietors and inhabitants of the islands of Nevis and St. Christophers, who sustained losses by the late invasion of the French there; which sum was given for making good the encouragement given to the said sufferers to resettle their plantations in the said islands, to prevent the great damage which the crown might otherwise sustain by the total loss thereof; which losses of the said sufferers were to be examined in, and debentures made out for the same, by the commissioners for the affairs of trade and plantations, on or before the twenty-fifth day of December one thousand seven hundred and eleven, in such manner as in the said act is directed; and some doubts and difficulties arising concerning the distribution of the said bounty, another act passed in the tenth ^{10 Ann. c. 34.} year of her said late Majesty's reign, for explaining several clauses in the said former act for the relief of the said sufferers: and whereas farther doubts and difficulties have arisen upon the said acts, to the prejudice of several of the said sufferers, in respect of their not having resettled in the very same island or plantation wherein they respectively sustained their losses; and it is but just and reasonable that all such of the said sufferers who did, on or before the said twenty-fifth day of December one thousand seven hundred and eleven, by themselves, their agents or representatives, settle or resettle in either of the said islands, should have a proportionable share of the said bounty: be it therefore enacted, &c.

The proprietors of plantations and inhabitants of the said islands, who have been sufferers, and resettled there before Dec. 25. 1711. shall be intitled to a proportionable share of the bounty appointed by the recited acts. EXP.

to her Majesty, for the service of the year one thousand seven hundred and seven, and other uses therein expressed, *several annuities, amounting to seventy two thousand one hundred eighty seven pounds ten shillings per annum, were purchased for a term of ninety nine years, reckoned from the five and twentieth day of March one thousand seven hundred and seven, at the rate of sixteen years purchase; and during the remainder of that term are payable to the several and respective proprietors thereof, out of the monies arising by the several rates and duties upon low wines and spirits of the first extraction, and the duties payable by hawkers, pedlars and petty chapmen, and the duties upon sweets, and the duties upon stamp vellum, parchment and paper, and an additional subsidy thereby granted or continued, for such respective terms as are therein mentioned, and out of the respective overplus monies of other annuity funds, and other monies by the same act chargeable with the payment thereof, in such manner and form as are thereby prescribed in that behalf; and the said several duties on low wines and spirits of the first extraction, and upon hawkers, pedlars and petty chapmen, and the said part of the duties on stamp vellum, parchment and paper, and the said late duties on sweets, have severally been continued and made perpetual by sundry acts of parliament since made and passed for several uses and purposes therein expressed. And by an act of the sixth year of the reign of her said late majesty Queen Anne, intituled, An act for raising a further supply to her Majesty for the service of the year one thousand seven hundred and eight, and other uses, by sale of annuities charged on a fund not exceeding forty thousand pounds per annum, to arise by appropriating several surplusses, and by granting further terms in the duties on low wines, and on hawkers, pedlars and petty chapmen, the stamp duties, the one third subsidy, the duty on sweets, and one of the branches of the excise, and by making other provision in this act mentioned, several annuities, amounting to forty thousand pounds per annum, were purchased for a term of ninety nine years, reckoned from the twenty fifth day of March one thousand seven hundred and eight, at the like rate of sixteen years purchase, and during the remainder of that term are payable to the several and respective proprietors thereof out of a yearly fund or sum of forty thousand pounds per annum, by that act established and charged upon such surplusses or overplus monies, and further grants of several duties and other provisions as are therein mentioned for answering the same. And by another act of the said sixth year of the reign of her said late majesty Queen Anne, intituled, An act for continuing one half-part of the subsidies of tonnage and poundage, and other duties upon wines, goods and merchandizes imported, which were granted to the crown in the twelfth year of the reign of King Charles the Second, and for settling a fund thereby, and by other ways and means, for payment of annuities not exceeding eighty thousand pounds per annum, to be sold for raising a further supply to her Majesty for the service of the year one thousand seven hundred and eight, and other uses therein expressed, several annuities, amounting to eighty thousand pounds per annum, were purchased*

6 Ann. c. 5.

6 Ann. c. 11.

charged for a term of ninety nine years, reckoned from the twenty fourth day of June one thousand seven hundred and eight, at the like rate of sixteen years purchase, and during the remainder of that term are payable to the several and respective proprietors thereof; and are by the same act charged upon the monies arising from time to time of or for the half-subsidy of tonnage and poundage, and other duties thereby granted or continued for a term of years therein mentioned, and other monies thereby appointed, for payment of the same annuities in the manner and form thereby prescribed; and the said half-subsidy of tonnage and poundage hath since been continued and made perpetual by an act of parliament since made and passed, for several uses and purposes therein expressed; all which annuities herein before-mentioned to be payable during the respective remainders of the said several and respective terms of ninety six years, eighty nine years, and ninety nine years, do by computation, amount in the whole, to six hundred sixty six thousand eight hundred twenty one pounds eight shillings and three pence halfpenny per annum, or thereabouts. And whereas by an act of parliament made and passed in the eighth year of the reign of her said late majesty Queen Anne, intituled, An act for granting to her Majesty new duties of excise, and upon several imported commodities; and for establishing a yearly fund thereby, and by other ways and means, to raise nine hundred thousand pounds by sale of annuities, and (in default thereof) by another lottery, for the service of the year one thousand seven hundred and ten, several annuities amounting to eighty one thousand pounds per annum, were purchased for a term of thirty two years, reckoned from the twenty ninth day of September one thousand seven hundred and ten, at the rate of nine pounds per annum for every one hundred pounds, and proportionably for any greater sum advanced or paid; and during the remainder of the said term of thirty two years the same annuities are payable to the several and respective proprietors thereof, out of a yearly fund or sum of eighty one thousand pounds by that act established, and charged upon new rates and duties of excise, and new duties upon pepper, raisins, nutmegs, cinnamon, cloves, mace and snuffs thereby granted, and other provisions thereby made, for answering the same yearly fund in the manner therein mentioned. And whereas by another act of parliament made in the eighth year of the reign of her said late majesty Queen Anne, intituled, An act for continuing part of the duties upon coals, culm and cynders, and granting new duties upon houses having twenty windows, or more, to raise the sum of fifteen hundred thousand pounds by way of a lottery for the service of the year one thousand seven hundred and ten, certain additional or new duties were imposed upon coals, culm and cynders, and upon dwelling houses, for the term of thirty two years, reckoned from the twenty ninth day of September one thousand seven hundred and ten; and a yearly fund of one hundred and thirty five thousand pounds was thereby established, during that term, for payment of such lottery-annuities as should be founded upon that act, and be payable upon such tickets as were thereby prescribed. And pursuant to an act of the fifth year of your Majesty's reign, intituled, An act for redeeming

8 Ann. c. 7.

8 Ann. c. 49.

Geo. 1. c. 19.

the fund appropriated for payment of the lottery tickets, which were made forth for the service of the year one thousand seven hundred and ten, by a voluntary subscription of the proprietors into the capital stock of the *South-Sea* company; and for raising a sum of money to pay off such debts and incumbrances as are therein mentioned; and for appropriating the supplies granted in this session of parliament; and to limit times for prosecutions upon bonds for exporting cards and dice, *the yearly sum of eighty seven thousand three hundred forty two pounds four shillings and five pence (part of the said yearly fund of one hundred and thirty five thousand pounds) hath already been purchased by the corporation of the governor and company of merchants of Great Britain, trading to the South-Seas and other parts of America, and for encouraging the fishery; and the same eighty seven thousand three hundred forty two pounds four shillings and five pence per annum, together with one thousand three hundred ninety seven pounds nine shillings and six pence per annum more, for charges of management, is already added to the yearly fund or annuity of the same corporation; and the yearly sum of forty six thousand two hundred sixty pounds six shillings and one penny (being the residue of the said yearly fund of one hundred and thirty five thousand pounds) is, during the remainder of the last mentioned term of thirty two years, payable in several lottery-annuities, and upon pay-tickets for the same, which were not subscribed upon the said act of the fifth year of your Majesty's reign; which yearly sums herein before mentioned to be payable during the respective remainders of the said several terms of thirty two years, do together, by computation, amount to the sum of one hundred twenty seven thousand two hundred sixty pounds six shillings and one penny per annum, or thereabouts. And whereas several principal sums, amounting in the whole to sixteen millions five hundred forty six thousand four hundred eighty two pounds seven shillings and one penny farthing, or thereabouts, are secured by several acts of parliament, for which interest monies or annuities at several rates are payable at the publick charge, till the satisfying of the said principal sums, or redemption of the funds charged with the payment of such interest-monies or annuities, according to the tenor of the respective acts of parliament in that behalf; that is to say, The sum of five hundred sixty three thousand three hundred pounds doth, on the nineteenth day of March one thousand seven hundred and nineteen, remain unsatisfied to complete the sum of six hundred thirty three thousand and ten pounds principal money, which by virtue of letters patents of her late majesty Queen Anne, bearing date the thirteenth day of October one thousand seven hundred and thirteen, grounded upon an act of parliament of the twelfth year of her reign, intituled, An act to raise twelve hundred thousand pounds for publick uses, by circulating a further sum in exchequer bills; and for enabling her Majesty to raise five hundred thousand pounds on the revenues appointed for uses of her civil government, to be applied for or towards payment of such debts and arrears owing to her servants, tradesmen, and others, as are therein mentioned, was charged with an interest after the rate of four pounds per centum per annum,*

num, upon a yearly fund of thirty five thousand pounds, payable at the exchequer during the term of thirty two years from Michaelmas one thousand seven hundred and thirteen, out of the revenues in the same letters patents mentioned; which yearly fund is redeemable upon paying off all the principal and interest charged thereupon; the sum of one million fifty five thousand nine hundred and ninety pounds doth, on the two and twentieth day of March one thousand seven hundred and nineteen, remain unsatisfied to complete the sum of one million one hundred fifty seven thousand three hundred and sixty pounds; which in respect only of the tickets commonly called the blank tickets, drawn in the lottery for raising fourteen hundred thousand pounds for the service of the year one thousand seven hundred and fourteen, was charged with an interest after the rate of five pounds per centum per annum, upon the yearly fund of one hundred sixteen thousand five hundred seventy three pounds and twelve shillings, payable at the exchequer out of certain duties on soap, paper, linens, silks, callicoes, stuffs, starch, exported coals, and upon stamp vellum, parchment and paper, granted for thirty two years, from the second day of August one thousand seven hundred and fourteen, by two acts, one of the twelfth year of her said late Majesty's reign, intituled, An act for laying additional duties on soap and paper, and upon certain linens, silks, callicoes and stuffs, and upon starch, exported coals, and upon stamp vellum, parchment and paper, for raising one million four hundred thousand pounds by way of a lottery for her Majesty's supply; and for allowances on exporting made wares of leather, sheep-skins and lamb-skins; and for distribution of four thousand pounds due to the officers and seamen for gun-money; and to adjust the property of tickets in former lotteries; and touching certain shares of stock in the capital of the South-Sea company; and for appropriating the monies granted to her Majesty, and the other of the first year of your Majesty's reign, intituled, An act for rectifying mistakes in the names of the commissioners of the land-tax for the year one thousand seven hundred and fourteen; and for raising so much as is wanting to make up the sum of fourteen hundred thousand pounds, intended to be raised by a lottery for the publick service in the said year, or by one of the acts last mentioned; and the sum of six hundred fifty two thousand and twenty pounds doth, on the two and twentieth day of March one thousand seven hundred and nineteen, remain unsatisfied, to complete the sum of seven hundred nineteen thousand and forty pounds, which in respect only of the tickets, commonly called the prize tickets, drawn in the lottery last mentioned, was charged upon the said yearly fund of one hundred sixteen thousand five hundred seventy three pounds and twelve shillings, with an interest after the rate of four pounds per centum per annum; which yearly fund last mentioned is also redeemable upon paying off all the principal sums and arrears of interest due thereupon. And several sums amounting to one million seventy nine thousand pounds principal monies were advanced for the use of the publick, pursuant to two several acts of parliament of the first year of your Majesty's reign, the one for raising nine hundred and ten thousand pounds upon a fund

12 Ann. stat. 2.

c. 9.

1 Geo. 1. stat.

1. c. 2.

1 Geo. 1. c. 19,

21.

2 Geo. 2. c. 3.

- of forty five thousand five hundred pounds per annum, and the other for raising one hundred and sixty nine thousand pounds upon a fund of eight thousand four hundred and fifty pounds per annum, charged upon the aggregate fund, and other provisions therein mentioned; for all which sums so amounting to one million seventy nine thousand pounds, the contributors, and those claiming under them, are intitled to several annuities at the rate of five pounds per centum per annum, payable by the cashier of the bank of England for the time being; and the same annuities at that rate amount to fifty three thousand nine hundred and fifty pounds per annum (over and above six hundred and fifty pounds per annum allowed for charges of management) but are subject to redemption at any time upon one year's notice, and repayment by parliament of the respective principal sums last mentioned, and of all arrears of the same annuities (if any be then due). And by or in pursuance of an act of parliament made in the third year of
- 3 Geo. 1. c. 7. your Majesty's reign, intituled, An act for redeeming the duties and revenues which were settled to pay off principal and interest on the orders made forth on four lottery-acts passed in the ninth and tenth years of her late Majesty's reign, and for redeeming certain annuities payable on orders out of the hereditary excise, according to a former act in that behalf; and for establishing a general yearly fund, not only for the future payment of annuities at several rates, to be payable and transferable at the bank of England and redeemable by parliament; but also to raise monies for such proprietors of the said orders, as shall chuse to be paid their principal and arrears of interest in ready money; and for making good such other deficiencies and payments, as in this act are mentioned; and for taking off the duties on linseed imported and British linen exported, several annuities or yearly sums, after the rate of five pounds per centum per annum, amounting in the whole to the sum of four hundred seventy six thousand seven hundred seventeen pounds seventeen shillings and eight pence per annum, or thereabouts, are payable by the cashier of the bank of England for the time being for several principal sums which remained due and unsatisfied on the said four lottery-acts, and for one moiety of the debt which was due to certain bankers and others, and for interest made principal pursuant to the act last mentioned, amounting in the whole to nine millions five hundred thirty four thousand three hundred fifty seven pounds thirteen shillings and eleven pence
- 9 Ann. c. 6. three farthings; that is to say, on the act for the ten pounds lottery for the service of the year one thousand seven hundred and eleven, the sum of one million six hundred seventy two thousand eight hundred
- 9 Ann. c. 10. twenty one pounds and ten shillings; on the act for the class lottery of the same year the sum of two millions five hundred sixty three thousand
- 10 Ann. c. 19. seven hundred sixty eight pounds and four shillings; and on the act for the ten pounds lottery for the service of the year one thousand seven hundred and twelve the sum of two millions two hundred ninety two thousand three hundred sixty seven pounds and seven shillings; and on
- 10 Ann. c. 26. the act for the class-lottery of the same year the sum of two millions three hundred forty six thousand seven hundred forty five pounds nineteen shillings and six pence; and for the said moiety of the debt which was due to the bankers and others the sum of six hundred fifty eight thousand
- six

six hundred fifty four pounds thirteen shillings and five pence three farthings. And by or in pursuance of the said act of the third year of your Majesty's reign several annuities or yearly sums, after the rate of four pounds per centum per annum, amounting to the sum of one hundred two thousand thirty six pounds thirteen shillings and two pence per annum, or thereabouts, are payable by the cashier of the bank of England for the time being for several principal sums amounting to two millions five hundred fifty thousand nine hundred and sixteen pounds eight shillings and eight pence halfpenny, or thereabouts; that is to say, two thousand six hundred seventy two pounds and ten shillings per annum, or thereabouts, for monies contributed by tallies of sol to satisfy the principal and interest, amounting to sixty six thousand eight hundred and twelve pounds nine shillings and two pence, which remained unsatisfied upon the register of loans founded upon the act of parliament for the duties on low wines, and other things therein mentioned, which expired on or about the twenty fourth day of June one thousand seven hundred and fourteen; thirteen thousand eight hundred seventy one pounds fourteen shillings and eight pence per annum, or thereabouts, for monies contributed by tallies of sol to satisfy the principal and interest, amounting to three hundred forty six thousand seven hundred ninety three pounds seven shillings and ten pence, which remained unsatisfied upon the register of loans founded on the act of parliament for the duty on candles, which expired on or about the first day of May one thousand seven hundred and fifteen; twenty thousand three hundred sixty five pounds one shilling and ten pence per annum, or thereabouts, for monies contributed by tallies of sol to satisfy a deficiency, which (when adjusted) appeared to amount to five hundred nine thousand one hundred twenty seven pounds five shillings and six pence, to make good your Majesty's supply for the year one thousand seven hundred and sixteen; nine hundred sixty seven pounds sixteen shillings and nine pence per annum, or thereabouts, for monies contributed by tallies of sol to satisfy several bills of exchange, amounting to twenty four thousand one hundred ninety five pounds eighteen shillings and one penny, drawn for the service of the expedition to Canada: sixty four thousand one hundred fifty nine pounds nine shillings and eleven pence per annum, or thereabouts, for the principal sums, amounting to one million six hundred three thousand nine hundred eighty seven pounds eight shillings and one penny halfpenny, contained in army debentures certified on or before the one and twentieth day of March one thousand seven hundred and nineteen by the proper officer appointed to make forth such debentures pursuant to the several acts of parliament in that behalf: all which annuities or yearly sums, computed or to be computed after the said respective rates of five pounds per centum per annum and four pounds per centum per annum, by virtue or in pursuance of the said act of the third year of your Majesty's reign are payable out of a certain yearly fund of seven hundred twenty four thousand eight hundred forty nine pounds six shillings and ten pence and one fifth part of a penny per annum, commonly called the general fund, established by the same act: the payments whereof and making good all deficiencies thereupon are secured by the several duties and revenues by that act granted

3 Geo. 1. c. 7.
 & 4 Ann. c. 4.
 9 Ann. c. 6.
 13 Geo. 1. c. 3.
 3 Geo. 1. c. 7.

- granted and made perpetual, and by several appropriations and other provisions therein specified; and the same annuities are redeemable upon such notice or notices and such payment or payments to be made, as in and by the said act of the third year of your Majesty's reign are prescribed. And by or in pursuance of a certain clause contained in the
- 5 Geo. I. c. 1. act for the land-tax passed in the fifth year of your Majesty's reign, one or more annuity or annuities amounting to the sum of five thousand five hundred fifteen pounds and twelve shillings per annum, or thereabouts, after the rate of five pounds per centum per annum, were made payable by the said cashier of the bank of England for the time being out of the said general fund of seven hundred twenty four thousand eight hundred forty nine pounds six shillings and ten pence and one fifth part of a penny per annum, to the treasurer of your Majesty's navy for the service of the navy and victualling thereof, to make good a deficiency of one hundred ten thousand three hundred and twelve pounds seventeen shillings and four pence in the same act expressed; which annuity or annuities last mentioned are also charged on the said general or yearly fund, and be payable at the bank of England as other annuities payable out of that fund, until the redemption thereof by parliament.
- 5 Geo. I. c. 24. A private act. And by or in pursuance of another act of the fifth year of your Majesty's reign, intituled, An act for the relief of Edward Clent, esq; executor of lieutenant colonel Thomas Clent, for an army debenture lost in the pay-office, one or more annuity or annuities amounting to twenty three pounds eight shillings and three pence farthing per annum, or thereabouts, after the rate of four pounds per centum per annum, became payable by the said cashier of the bank of England for the time being out of the said general fund of seven hundred twenty four thousand eight hundred forty nine pounds six shillings and ten pence and one fifth part of a penny per annum, for the principal sum of five hundred eighty five pounds seven shillings and one penny, stated to be due on a lost debenture mentioned in the same act; which annuity or annuities were also thereby made payable until the redemption thereof by parliament. And by or in pursuance of another act of parliament made
- 5 Geo. I. c. 3. in the fifth year of your Majesty's reign, intituled, An act for applying certain overplus monies and further sums, to be raised as well by way of a lottery as by loans, towards paying off and cancelling exchequer bills, and for lessening the present great charge in relation to those bills; and for circulating and exchanging for ready money the residue of the same bills for the future, several annuities, amounting in the whole to the yearly sum of twenty thousand
- 13 Geo. I. c. 3. pounds, after the rate of four pounds per centum per annum for the principal sums, amounting to five hundred thousand pounds contributed to a lottery founded upon that act, are payable by the cashier of the bank of England for the time being out of a yearly fund of twenty thousand pounds thereby charged (amongst other things) upon the duties and revenues thereby denominated the aggregate fund, subject nevertheless to a proviso of redemption upon such notice and payments as by the act last mentioned are prescribed. And by or in pursuance of another act made in the
- 5 Geo. I. c. 9. said fifth year of your Majesty's reign, intituled, An act for continuing certain duties upon coals and culm, and for establishing certain funds to raise money, as well to proceed in the building of new churches,

churches, as also to complete the supply granted to his Majesty, and to reserve the overplus monies of the said duties for the disposition of parliament; and for more effectually suppressing private lotteries, the sum of five hundred thousand pounds therein mentioned, towards your Majesty's supply, was raised by a lottery; which sum, together with interest for the same, after the rate of four pounds per centum per annum, till repayment of the principal, is thereby secured to be paid at the exchequer in the course therein mentioned, by and out of a yearly fund of thirty thousand five hundred fifty nine pounds and fourteen shillings, thereby settled for thirty two years, reckoned from the twenty fifth day of March one thousand seven hundred and nineteen, and charged (amongst other things) upon certain duties on coals and culm thereby granted or appropriated; so that all the principal sums for which interest-monies are payable out of the said redeemable funds or securities carrying interest at the said rate of five pounds per centum per annum, till satisfaction of the same principal sums, do amount to one million fifty five thousand nine hundred and ninety pounds, or thereabouts; and all the principal sums for which interest-monies are payable out of the said redeemable funds or securities carrying interest at the said rate of four pounds per centum per annum, till satisfaction of the same principal sums, do amount to one million seven hundred fifteen thousand three hundred and twenty pounds, or thereabouts, and all the principal sums for which the said annuities are payable out of the said redeemable funds or securities at the said rate of five pounds per annum for every one hundred pounds, do amount to ten millions seven hundred twenty three thousand six hundred seventy pounds eleven shillings and three pence three farthings, or thereabouts; and the annuities, payable for the same at the rate last-mentioned, do amount to five hundred thirty six thousand one hundred eighty three pounds ten shillings and six pence three farthings per annum, or thereabouts, till the redemption thereof; and all the principal sums for which the said annuities are payable out of the said redeemable funds or securities at the said rate of four pounds per annum for every one hundred pounds, do amount to three millions fifty one thousand five hundred and one pounds fifteen shillings and nine pence halfpenny, or thereabouts; and the annuities payable for the same at the said rate of four pounds per centum per annum, do amount to one hundred twenty two thousand and sixty pounds one shilling and five pence per annum, or thereabouts until the redemption thereof. And whereas the governor and company of merchants of Great Britain trading to the South-Seas and other parts of America, and for encouraging the fishery, are willing, at such time or times as they shall find convenient, before the first day of March one thousand seven hundred and twenty one, to take in, either by purchase or subscriptions, all or any the above-mentioned annuities, payable during the respective remainders of the above-mentioned terms of ninety six years, eighty nine years and ninety nine years, (in this act before computed to amount in the whole to six hundred sixty six thousand eight hundred twenty one pounds eight shillings and three pence halfpenny per annum, or thereabouts) from the respective proprietors thereof (and without any compulsion on any of the said proprietors) at such price and prices

Geo. 2. c. 8.

South-Sea company willing to take in, either by purchase or subscription, all or any of these annuities before 1 March 1721, without compulsion on any of the proprietors.

as shall be agreed between the said company and the respective proprietors of those annuities; and where any of the annuities so payable during the remainder of any of the said long terms of ninety six years, eighty nine years and ninety nine years, do or shall belong to several persons or corporations having particular estates or interest therein (in possession, reversion or by way of future interest) who will voluntarily agree together to depart with such their particular estates or interests, that so the said governor and company may lawfully take in such annuity or annuities during the whole remainder of the said respective terms of ninety six years, eighty nine years or ninety nine years, the said governor and company, in all such cases, are willing, at such time or times as they shall find convenient, before the said first of March one thousand seven hundred and twenty one, to take in, either by purchase or subscriptions, such particular estates or interests, whereby the said annuities for the whole remainder of the said long terms respectively may effectually be taken in, according to the true meaning of this act, at such price or prices as shall be agreed between the said company and those proprietors: provided the said governor and company, for every annuity (part of the said annuities computed to amount in the whole to six hundred sixty six thousand eight hundred twenty one pounds eight shillings and three pence halfpenny per annum, or thereabouts) so to be taken in by them, may, in lieu thereof, have an addition made to their capital stock after the rate of twenty years purchase, and such respective additions (in respect thereof) to their present annuity or yearly fund, secured to be paid for such time, and out of such duties and revenues as are herein after prescribed and appointed, until the redemption thereof according to the tenor and true meaning of this present act. And the said governor and company are willing, at such time or times as they shall see convenient, before the said first day of March one thousand seven hundred and twenty one, to take in, either by purchase or subscriptions, all or any of the above-mentioned lottery-annuities in this act computed to amount to forty six thousand two hundred and sixty pounds six shillings and one penny per annum, or thereabouts, for the term of twenty three years, reckoned from Michaelmas one thousand seven hundred and nineteen, and the pay-tickets for the same, from the respective proprietors thereof, at such price or prices as shall be agreed between the said company and the respective proprietors of those annuities. And where any of the lottery-annuities so payable during the said term of twenty three years, or the pay-tickets for the same, do or shall belong to several persons or corporations, who will voluntarily agree together to depart with all the pay-tickets for any such annuity for the said term of twenty three years, the said governor and company, in all and every such case and cases, are willing, at such time or times as they shall see convenient, before the said first day of March one thousand seven hundred and twenty one, to take in the same, either by purchase or subscriptions, at such price or prices as shall be agreed between the said company and those proprietors: provided the said governor and company, for every such lottery-annuity so to be taken in, may have an addition made to their capital stock after the rate of fourteen years purchase, and such respective additions to their present annuity or yearly

The conditions upon which the company are to take in those several annuities.

early fund secured to be paid for such time, and out of such duties and revenues as are herein after prescribed and appointed in that behalf, until the redemption thereof according to the tenor and true meaning of this present act. And the said governor and company are also willing, at such time or times as they shall see convenient, before the said first day of March one thousand seven hundred and twenty one, to take in, either by purchase or subscriptions, all or any the above-mentioned annuities (before in this act computed to amount to eighty one thousand pounds per annum, or thereabouts) for the said term of twenty two years and three quarters of a year, reckoned from Christmas one thousand seven hundred and nineteen, or for the remainder of that term which shall be to come and unexpired at the quarter-day next preceding the taking in the same from the respective proprietors thereof, without any compulsion on any such proprietors, at such price or prices as shall be agreed between the said company and the respective proprietors of those annuities. And where any of the annuities so payable during the said term of twenty two years and three quarters of a year, or such remainder thereof, do or shall belong to several persons or corporations having particular estates or interests therein who, will voluntarily agree together to depart with such their particular estates or interests, so that such annuity or annuities may effectually be taken in for the said whole time or term of twenty two years and three quarters of a year, or such remainder thereof, the said governor and company in all and every such case and cases are willing, at such time or times as they shall see convenient, before the said first day of March one thousand seven hundred and twenty one, to take in the same, either by purchase or voluntary subscriptions, at such price or prices as shall be agreed between the said company and those proprietors: provided the said governor and company, for every such annuity so to be taken in, may have an addition made to their capital stock after the like rate of fourteen years purchase, and such respective additions, in respect thereof to their present annuity or yearly fund, secured to be paid for such time and out of such duties and revenues as are herein after prescribed and appointed in that behalf, until the redemption thereof according to the tenor and true meaning of this present act. And the said governor and company are likewise willing, at such time or times as they shall see convenient, before the first day of March one thousand seven hundred and twenty one (but subject to such notices for redemption as are herein after mentioned) to take in all and every the said redeemable debts and annuities (the principal sums whereof are in this act before computed to amount to sixteen millions five hundred forty six thousand four hundred eighty two pounds seven shillings and one penny farthing, or thereabouts) either by purchases, taking subscriptions, or paying them off by the said governor and company: provided the said governor and company may have an addition of one hundred pounds to their present capital stock for every one hundred pounds of the principal monies so taken in by them, and proportionably for greater or lesser sums, and so as such additions be made to the present annuity or yearly fund of the said governor and company as shall be equal to the rates now payable for the principal sums of those redeemable debts and annuities

ties which shall be so taken in, until the redemption thereof according to this act. And the said governor and company, for the Liberty of increasing their capital stock and their annuity or yearly fund by such means as aforesaid, have desired and obtained, That their present annuities or yearly funds for their present capital stock, and the annuities or yearly funds for their capital stocks, (to be increased pursuant to this act) be continued at the respective rates herein after mentioned, till the feast of the nativity of Saint John Baptist which shall be in the year of our Lord one thousand seven hundred and twenty-seven inclusive; and that from and after the same feast-day their then annuity or yearly fund for their whole capital and increased capital stock may be actually reduced to four pounds per centum per annum, and be likewise from thenceforth redeemable by parliament; and in consideration thereof, and of such other benefits and advantages as are hereafter in and by this act provided and expressed, the said governor and company are willing to make such payments into the receipt of exchequer as are herein after specified, for the use of the publick, to be applied for paying off the publick debts and incumbrances incurred before Christmas one thousand seven hundred and sixteen. Now we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being desirous to have the said publick debts and incumbrances lessened as fast as conveniently may be, with regard to justice and the publick faith, and that as well such publick duties, revenues and incomes as are already settled for answering the present annuity or yearly fund of the said governor and company, as also such other publick duties, revenues and incomes as are specified in this act, may be settled in such manner, that the present annuities or yearly funds for the present capital of the said governor and company, and the annuities or yearly funds which shall become due and payable for their capital to be increased, pursuant to this act, may be continued at the respective rates herein after mentioned, till the said feast of the nativity of Saint John Baptist which shall be in the year of our Lord one thousand seven hundred and twenty seven inclusive; and that from and after the same feast day their then annuity or yearly fund for their whole capital and increased capital may be actually reduced to four pounds per centum per annum, and likewise be thenceforth redeemable by parliament according to the purport and true meaning of this act, have, for that end and purpose, given and granted, and do by this present act give and grant to your Majesty, your heirs and successors, such rates, duties, revenues and incomes as are herein after mentioned; and do humbly beseech your Majesty, That it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That such or the like particular rates and duties of excise upon beer, ale, cyder and other liquors, as by the said act of the eighth year of the reign of Queen Anne were granted for the term of thirty two years, which commenced from

The duties of excise and on pepper, &c. granted
1 Ann. c. 7.

from the feast of the annunciation of the blessed *Virgin Mary* one thousand seven hundred and ten; and such new rates or duties upon pepper, raisins, nutmegs, cinnamon, cloves, mace and snuff, as by the same act were granted for the term of thirty two years, which commenced from the sixth day of *February* one thousand seven hundred and nine, shall severally, by virtue of this act, have continuance after the respective determinations of the several terms of thirty two years last mentioned, and be paid and payable to his Majesty, his heirs and successors for ever: and that the above-mentioned yearly fund or sum of thirty five thousand pounds *per annum*, which by the said letters patents of her said late majesty *Queen Anne*, grounded upon the said act of parliament in that behalf, was made payable at the exchequer during the term of thirty two years, which commenced from *Michaelmas* one thousand seven hundred and thirteen, out of revenues in the same letters patents expressed, shall, after the determination of the term of thirty two years last mentioned, have continuance, and the said revenues shall be charged therewith for ever: and that such or the like additional or new duties and rates for and upon all soap, and for and upon all paper, paste-boards, mill-boards and scale-boards, and for and upon certain chequered and striped linens, and upon certain linens printed, painted, stained or dyed after the manufacture, or in the thread or yarn before the manufacture in any foreign parts, and for and upon silks, callicoos, linens and stuffs printed, stained, painted or dyed in *Great Britain*, and for and upon all starch, and for and upon coals shipped to be exported, and for and upon several matters and things which should be engrossed or written on stamp vellum, parchment and paper, which in or by the said two acts, the one of the twelfth year of her said late Majesty's reign, and the other of the first year of his now Majesty's reign, or by one of those acts, were granted and laid for a term or several terms of thirty two years, which commenced from the second day of *August* one thousand seven hundred and fourteen (except as in the same acts or either of them is excepted) shall severally, by virtue of this act, have continuance after the determination of the term and terms of thirty two years last mentioned, and be paid and payable to his Majesty, his heirs and successors for ever: and that such and the like particular rates and impositions, which in and by one of the said acts of the fifth year of his present Majesty's reign were granted or imposed for and upon all sorts of coals and culm which should be imported and brought into the port of the city of *London* or the river of *Thames* within the liberty of the said city upon the same river, from and after the twenty seventh day of *September* one thousand seven hundred and twenty five, and before the feast of the annunciation of the blessed *Virgin Mary* which shall be in the year of our Lord one thousand seven hundred and fifty one, shall by virtue of this act be continued and be paid and payable to his Majesty, his heirs and successors for ever, for and upon all sorts

And the 35,000l. per ann. granted by her late Majesty's letters patents, made perpetual.

The duty on soap, paper, &c. 12 Ann. stat. 2. c. 9.

1 Geo. 1. stat. 1. c. 2.

And the duties on coals, &c. 5 Geo. 1. c. 9. made perpetual.

of

of coals and culm which shall be imported and brought at any time or times after the twenty fourth day of *March* which shall be in the year of our Lord one thousand seven hundred and fifty.

These duties
how to be
raised.

II. And it is hereby enacted, That the several rates, duties, revenues and impositions by this act made perpetual, as aforesaid, as well before, as when and as the same respectively shall take effect by virtue of this act, shall be raised and levied by such rules, means and methods, and under such penalties and forfeitures, and with such distributions of the same penalties and forfeitures, and subject to such power of mitigation, and with such respective drawbacks, allowances and repayments, and with such exceptions, and in such manner and form, as the like rates, duties, revenues or impositions, granted or continued by the said former acts now in being respectively, are prescribed, enacted, or appointed to be raised or levied.

Alterations
in other acts
concerning
the duties to
take place.

III. Provided always, and it is hereby enacted by the authority aforesaid, That in all cases where any further or other provision or alteration is made by any other act or acts of parliament now in force, touching or concerning any the rates, duties, revenues and impositions which were granted for certain terms, as aforesaid, such other provisions and alterations shall be observed and take place, in relation to the like rates, duties, revenues and impositions by this act intended to be made perpetual.

The monies
to arise by
these duties
to be brought
into the ex-
chequer.

IV. And be it enacted by the authority aforesaid, That all the monies to arise by the said rates, duties, revenues and impositions by this act made perpetual, as aforesaid, as well before, as when and as the same respectively (after the expiration of the respective terms formerly granted, as aforesaid) shall take effect by virtue of this present act (the necessary charges of raising the same excepted) shall from time to time be brought into the receipt of exchequer, to the intent and purpose that the said governor and company of merchants of *Great Britain* trading to the *South-Seas* and other parts of *America*, and for encouraging the fishery, and their successors, may out of the same be secured the payment of such respective annuities or sums as shall or may become due or payable to them in pursuance of this act, until the redemption thereof: nevertheless the said rates, duties, revenues and impositions hereby made perpetual, and such annuities or sums as shall or may become due or payable out of the same to the said governor and company, and their successors, shall be subject to redemption by parliament, according to the proviso or condition of redemption hereafter in this act contained in that behalf; any thing in this act contained to the contrary notwithstanding.

Subject to re-
demption.

V. And to the end it may be known and ascertained what annuities shall be taken in, and what debts (for which interest is now payable) shall be paid off by or at the charge of the corporation of the said governor and company, at any time or times before the respective times in and by this act limited in
that

that behalf; and what additions in respect thereof are to be made, as well to the present capital stock of the same corporation; and how far their own present annuity or yearly fund is to be increased in proportion to such additional stock or stocks, till the redemption thereof, and also how much is to be paid by them into the receipt of his Majesty's exchequer, for the use of the publick, after the rate of four years and a half's purchase, upon such and so many of the said annuities payable during the respective remainders of the said certain terms of ninety six years, eighty nine years, ninety nine years, and thirty two years, which shall be taken in, as aforesaid, at any time or times before the first day of *March* one thousand seven hundred and twenty one, and how much is to be paid by them into the receipt of the exchequer, for the use of the publick, after the rate of one year's purchase upon such or so many of the said annuities so payable, during the respective remainders of the said certain terms of ninety six years, eighty nine years, and ninety nine years, as shall not be taken in before the said first day of *March* one thousand seven hundred and twenty one (over and above the certain sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and even pence, to be paid by them for the use of the publick, for the liberty of increasing their capital stock and annual fund, by taking in the redeemable debts and annuities, as is herein after mentioned) and that it may also plainly appear what new allowance is to be made to the said corporation for charges of management, when the same shall be reduced to a certainty, according to the tenor and true meaning of this present act: be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of the treasury, or any three or more of them, or the lord high treasurer of *Great Britain* for the time being, and they respectively are hereby authorized and required, by one or more writing or writings under their respective hands, to constitute and appoint such able and fit persons, or such distinct numbers of able and fit persons, and such or so many of them respectively, as the said commissioners of the treasury, or any three or more of them, or the said high treasurer for the time being shall, from time to time, think fit to be managers and directors for doing and performing, and causing to be done and performed such matters and things as are by this act appointed or authorized by such managers and directors, or by their order to be done and performed.

Commissioners of the treasury to constitute managers and directors.

VI. And be it enacted by the authority aforesaid, That such managers and directors so to be constituted, or such or so many of them, as aforesaid, shall according to such directions as they shall receive in writing from the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, prepare or cause to be prepared one or more book or books, wherein shall be entred, under proper titles or prefaces, and in proper columns, the particulars following;

Managers and directors to prepare books with proper columns, viz.

One for taking in the annuities of 96, 99, and 99 years.

(that is to say) There shall be entred in such book or books the name or names of such person or persons, bodies politick or corporate, then intituled to the said annuities, payable for the respective remainders of the said long terms of ninety six years, eighty nine years, and ninety nine years, which shall be actually taken in by virtue of this act; and also the names of such person or persons, bodies politick or corporate, then intituled to particular estates or interests in such annuities, who shall be willing to depart with the same, and which shall be actually taken in, as aforesaid, so that the said governor and company may lawfully take in those annuities, or any of them, during the whole remainders of those long terms respectively; and there shall be entred in the same book or books, every annuity so payable for the respective remainder of the said several terms of ninety six years, eighty nine years, and ninety nine years, which shall be actually taken in, as aforesaid (all which annuities, if the whole should be purchased, are in this act before computed to amount to six hundred sixty six thousand eight hundred twenty one pounds eight shillings and three pence halfpenny *per annum*, or thereabouts;) and the particular duties, revenues, funds, or other provisions whereupon every such annuity was charged, or by or out of which the same was to be paid; and there shall also be entred in the same book or books such price or prices as shall be agreed upon between the corporation of the said governor and company, or such agent or agents as the same corporation, under their common seal, shall intrust and impower on their behalf, of the one part, and the said respective proprietors, or such as shall be lawfully impowered or entrusted on their behalf, on the other part, for every such annuity, so to be payable during the respective remainders then to come and unexpired of the said long terms of ninety six years, eighty nine years, and ninety nine years; which price or prices are to be answered by the said corporation of the said governor and company, either in ready money, or otherwise, to the satisfaction of the said respective proprietors, or those intrusted by or for them, at or upon their subscribing or writing to or against the respective entries relating to them in the said book or books; and there shall likewise be entred in the same book or books, the additions which are to be made to the present capital stock of the said governor and company, after the said rate of twenty years purchase, for taking in the said residuary long terms as aforesaid: and moreover, in the same book or books there shall be entred and set down the additions which are to be made to the present annuity or yearly fund of the said governor and company in respect of such their new additional capital stock, which new additions to their annuity or yearly fund are to commence from the quarterly feast day last preceding such taking in by purchase or subscription, and to be payable after the rate of five pounds *per centum per annum*, until the four and twentieth day of *June* one thousand seven hundred and twenty seven inclusively; and afterwards at the said rate of four pounds *per*

centum per annum, until redemption by parliament, according to the purport and true meaning of this act.

VII. And be it enacted by the authority aforesaid, That the said managers and directors so to be constituted, or such or so many of them, as aforesaid, shall according to such directions as they shall receive in writing from the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, prepare or cause to be prepared one or more other book or books, wherein shall be entred, under proper titles or prefaces, and in proper columns, the particulars following; (that is to say) there shall be entred in the book or books last mentioned, the name or names of such person or persons, bodies politick or corporate, then intituled to any of the said annuities, payable out of the said yearly fund of eighty one thousand pounds, for twenty two years and three quarters of a year, reckoned from *Christmas* one thousand seven hundred and nineteen, or for the remainder of that term which shall be to come and unexpired at the quarter day preceding the taking in the same (being the remainder of one of the terms of thirty two years above mentioned) or to particular estates or interest therein, who shall be willing to depart with, and shall subscribe the same, so that the said governor and company may effectually take in those annuities, or any of them, for the said whole term of twenty two years and three quarters of a year, or the said remainder thereof; and there shall be entred in the book or books last mentioned, every annuity so payable for the said remaining term of twenty two years and three quarters of a year, or the said remainder thereof, which shall be taken in, as aforesaid, and the particular duties, revenues, funds, or other provisions, whereupon every such annuity was charged, or by or out of which the same was to be paid; and there shall also be entred in the same book or books, such price or prices as shall be agreed upon between the corporation of the said governor and company, or such agent or agents as the same corporation, under their common seal, shall intrust and impower in this behalf, on the one part, and the same respective proprietors, or such as shall be lawfully impowered or intrusted on their behalf, on the other part, for every such annuity so to be payable during the said remaining term of twenty two years and three quarters of a year, or the said remainder thereof; which price or prices are also to be answered by the said corporation of the said governor and company, either in ready money, or otherwise, to the satisfaction of the respective proprietors, or those intrusted by or for them, at or upon their subscribing to the respective entries relating to them in the book or books last mentioned; and there shall likewise be entred in the same book or books, the additions which are to be made to the present capital stock of the said governor and company, after the said rate of fourteen years purchase, for taking in the said annuities for the said remaining term of twenty two years and three quarters of a year, or the said remainder thereof, as aforesaid: and moreover, in the same

Other books with columns for taking in the annuities payable out of the yearly fund of 81,000l.

book or books there shall be entred the new additions which are to be made to the present annuity or yearly fund of the said governor and company, in respect of such their new additional capital stock; which new additions to their annuity or yearly fund are to commence from the quarterly feast-day preceding the taking in the same, and to be payable after the said rate of five pounds *per centum per annum*, until the said twenty fourth day of *June* one thousand seven hundred and twenty seven inclusively; and afterwards at the said rate of four pounds *per centum per annum*, until redemption by parliament, according to the purport and true meaning of this act.

Other books with columns for the annuities on unsubscribed lottery-tickets of 1710.

VIII. And be it enacted by the authority aforesaid, That the said managers and directors so to be constituted, or such or so many of them, as aforesaid, shall according to such directions as they shall receive in writing from the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, prepare or cause to be prepared one or more other book or books, wherein shall be entred, under proper titles or prefaces, and in proper columns, the particulars following; (that is to say) there shall be entred in the book or books last mentioned, the name or names of such person or persons, bodies politick or corporate, then intituled to any of the said annuities, payable upon unsubscribed lottery-tickets of the said year one thousand seven hundred and ten, out of the said remainder of the said yearly fund of one hundred thirty five thousand pounds, for twenty three years, computed from *Michaëlas* one thousand seven hundred and nineteen (being the remainder of the above mentioned term of thirty two years, relating to the said lottery annuities) or to particular estates or interests therein, who shall be willing to depart with, and shall subscribe the same, so that the said governor and company may effectually take in those lottery annuities, or any of them, for the said whole term of twenty three years; and there shall be entred in the book or books last mentioned, every annuity so payable by lottery-tickets for the said remaining term of twenty three years, which shall be taken in, as aforesaid, and the particular duties, revenues, funds, or other provisions, whereupon every such lottery annuity was charged, or by or out of which the same was to be paid; and there shall be also entred in the same book or books, such price or prices as shall be agreed upon between the corporation of the said governor and company, or their agent or agents, on their behalf, on the one part, and the same respective proprietors, or such as shall be lawfully empowered or intrusted on their behalf, on the other part, for every such annuity so to be payable by lottery tickets during the said remaining term of twenty three years; which price or prices shall also be answered by the said corporation of the said governor and company, either in ready money or otherwise, to the satisfaction of the respective proprietors, or those intrusted by or for them, at or upon their subscribing to the respective entries relating to them in the book or books last mentioned; and there

there shall likewise be entred in the same book or books the additions which are to be made to the present capital stock of the said governor and company, after the said rate of fourteen years purchase, for taking in the said lottery annuities for the said remaining term of twenty three years, as aforesaid: and moreover, in the same book or books there shall be entred the new additions which are to be made to the present annuity or yearly fund of the said governor and company in respect of such their new additional capital stock; which new additions to their annuity or yearly fund, are to commence from *Michaelmas* one thousand seven hundred and nineteen, and to be payable after the said rate of five pounds *per centum per annum*, until the said twenty fourth day of *June* one thousand seven hundred and twenty seven inclusively, and afterwards at the said rate of four pounds *per centum per annum*, until redemption by parliament, according to the purport and true meaning of this act.

IX. *And whereas the above-mentioned principal sums, now carrying interest after the said rate of five pounds per centum per annum, do by computation amount to one million fifty five thousand nine hundred and ninety pounds, or thereabouts, as aforesaid; and the above-mentioned principal sums for which annuities are now payable after the like rate of five pounds per centum per annum, do by computation amount to ten millions seven hundred twenty three thousand six hundred and seventy pounds eleven shillings and three pence three farthings, or thereabouts; in all to eleven millions seven hundred seventy nine thousand six hundred and sixty pounds eleven shillings and three pence three farthings, or thereabouts, part of the above-mentioned principal sums, computed to amount to sixteen millions five hundred forty six thousand four hundred eighty two pounds seven shillings and one penny farthing, or thereabouts; which the said governor and company have undertaken to pay off at the rate of one hundred pounds per centum, on or before the said first day of March.*

one thousand seven hundred and twenty one: it is therefore hereby Further enacted by the authority aforesaid, That the said managers and directors so to be constituted, as aforesaid, shall according to such directions as they shall receive in writing from the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, prepare or cause to be prepared one or more other book or books, wherein shall be entred, under proper titles or prefaces, and in proper columns, every principal sum which shall have been actually paid off by the said governor and company in ready money, or otherwise, to the respective proprietors of the said principal sums so computed to amount to eleven millions seven hundred seventy nine thousand six hundred and sixty pounds eleven shillings and three pence three farthings, or thereabouts, after the said rate of one hundred pounds *per centum*, and proportionably for greater or lesser sums; and the respective days and times when every such payment shall have been made, and the names of the respective proprietors who shall have received the same, the particular duties, revenues, funds or provisions for which the

Managers to provide other books with columns, for entering the principal sums paid off by the South-Sea company to the proprietors of the principal sums at 5 l. per cent.

One for taking in the annuities of 96, 99, and 99 years.

(that is to say) There shall be entred in such book or books the name or names of such person or persons, bodies politick or corporate, then intituled to the said annuities, payable for the respective remainders of the said long terms of ninety six years, eighty nine years, and ninety nine years, which shall be actually taken in by virtue of this act; and also the names of such person or persons, bodies politick or corporate, then intituled to particular estates or interests in such annuities, who shall be willing to depart with the same, and which shall be actually taken in, as aforesaid, so that the said governor and company may lawfully take in those annuities, or any of them, during the whole remainders of those long terms respectively; and there shall be entred in the same book or books, every annuity so payable for the respective remainder of the said several terms of ninety six years, eighty nine years, and ninety nine years, which shall be actually taken in, as aforesaid (all which annuities, if the whole should be purchased, are in this act before computed to amount to six hundred sixty six thousand eight hundred twenty one pounds eight shillings and three pence halfpenny *per annum*, or thereabouts;) and the particular duties, revenues, funds, or other provisions whereupon every such annuity was charged, or by or out of which the same was to be paid; and there shall also be entred in the same book or books such price or prices as shall be agreed upon between the corporation of the said governor and company, or such agent or agents as the same corporation, under their common seal, shall intrust and impower on their behalf, of the one part, and the said respective proprietors, or such as shall be lawfully impowered or entrusted on their behalf, on the other part, for every such annuity, so to be payable during the respective remainders then to come and unexpired of the said long terms of ninety six years, eighty nine years, and ninety nine years; which price or prices are to be answered by the said corporation of the said governor and company, either in ready money, or otherwise, to the satisfaction of the said respective proprietors, or those intrusted by or for them, at or upon their subscribing or writing to or against the respective entries relating to them in the said book or books; and these shall likewise be entred in the same book or books, the additions which are to be made to the present capital stock of the said governor and company, after the said rate of twenty years purchase, for taking in the said residuary long terms as aforesaid: and moreover, in the same book or books there shall be entred and set down the additions which are to be made to the present annuity or yearly fund of the said governor and company in respect of such their new additional capital stock, which new additions to their annuity or yearly fund are to commence from the quarterly feast day last preceding such taking in by purchase or subscription, and to be payable after the rate of five pounds *per centum per annum*, until the four and twentieth day of *June* one thousand seven hundred and twenty seven inclusively; and afterwards at the said rate of four pounds *per*

centum per annum, until redemption by parliament, according to the purport and true meaning of this act.

VII. And be it enacted by the authority aforesaid, That the said managers and directors so to be constituted, or such or so many of them, as aforesaid, shall according to such directions as they shall receive in writing from the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, prepare or cause to be prepared one or more other book or books, wherein shall be entred, under proper titles or prefaces, and in proper columns, the particulars following; (that is to say) there shall be entred in the book or books last mentioned, the name or names of such person or persons, bodies politick or corporate, then intituled to any of the said annuities, payable out of the said yearly fund of eighty one thousand pounds, for twenty two years and three quarters of a year, reckoned from *Christmas* one thousand seven hundred and nineteen, or for the remainder of that term which shall be to come and unexpired at the quarter day preceding the taking in the same (being the remainder of one of the terms of thirty two years above mentioned) or to particular estates or interest therein, who shall be willing to depart with, and shall subscribe the same, so that the said governor and company may effectually take in those annuities, or any of them, for the said whole term of twenty two years and three quarters of a year, or the said remainder thereof; and there shall be entred in the book or books last mentioned, every annuity so payable for the said remaining term of twenty two years and three quarters of a year, or the said remainder thereof, which shall be taken in, as aforesaid, and the particular duties, revenues, funds, or other provisions, whereupon every such annuity was charged, or by or out of which the same was to be paid; and there shall also be entred in the same book or books, such price or prices as shall be agreed upon between the corporation of the said governor and company, or such agent or agents as the same corporation, under their common seal, shall intrust and impower in this behalf, on the one part, and the same respective proprietors, or such as shall be lawfully impowered or intrusted on their behalf, on the other part, for every such annuity so to be payable during the said remaining term of twenty two years and three quarters of a year, or the said remainder thereof; which price or prices are also to be answered by the said corporation of the said governor and company, either in ready money, or otherwise, to the satisfaction of the respective proprietors, or those intrusted by or for them, at or upon their subscribing to the respective entries relating to them in the book or books last mentioned; and there shall likewise be entred in the same book or books, the additions which are to be made to the present capital stock of the said governor and company, after the said rate of fourteen years purchase, for taking in the said annuities for the said remaining term of twenty two years and three quarters of a year, or the said remainder thereof, as aforesaid: and moreover, in the same

Other books with columns for taking in the annuities payable out of the yearly fund of 81,000*l.*

book or books there shall be entred the new additions which are to be made to the present annuity or yearly fund of the said governor and company, in respect of such their new additional capital stock; which new additions to their annuity or yearly fund are to commence from the quarterly feast-day preceding the taking in the same, and to be payable after the said rate of five pounds *per centum per annum*, until the said twenty fourth day of *June* one thousand seven hundred and twenty seven inclusively; and afterwards at the said rate of four pounds *per centum per annum*, until redemption by parliament, according to the purport and true meaning of this act.

Other books with columns for the annuities on unsubscribed lottery-tickets of 1710.

VIII. And be it enacted by the authority aforesaid, That the said managers and directors so to be constituted, or such or so many of them, as aforesaid, shall according to such directions as they shall receive in writing from the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, prepare or cause to be prepared one or more other book or books, wherein shall be entred, under proper titles or prefaces, and in proper columns, the particulars following; (that is to say) there shall be entred in the book or books last mentioned, the name or names of such person or persons, bodies politick or corporate, then intituled to any of the said annuities, payable upon unsubscribed lottery-tickets of the said year one thousand seven hundred and ten, out of the said remainder of the said yearly fund of one hundred thirty five thousand pounds, for twenty three years, computed from *Michaëlas* one thousand seven hundred and nineteen (being the remainder of the above mentioned term of thirty two years, relating to the said lottery annuities) or to particular estates or interests therein, who shall be willing to depart with, and shall subscribe the same, so that the said governor and company may effectually take in those lottery annuities, or any of them, for the said whole term of twenty three years; and there shall be entred in the book or books last mentioned, every annuity so payable by lottery-tickets for the said remaining term of twenty three years, which shall be taken in, as aforesaid, and the particular duties, revenues, funds, or other provisions, whereupon every such lottery annuity was charged, or by or out of which the same was to be paid; and there shall be also entred in the same book or books, such price or prices as shall be agreed upon between the corporation of the said governor and company, or their agent or agents, on their behalf, on the one part, and the same respective proprietors, or such as shall be lawfully empowered or intrusted on their behalf, on the other part, for every such annuity so to be payable by lottery tickets during the said remaining term of twenty three years; which price or prices shall also be answered by the said corporation of the said governor and company, either in ready money or otherwise, to the satisfaction of the respective proprietors, or those intrusted by or for them, at or upon their subscribing to the respective entries relating to them in the book or books last mentioned; and there

there shall likewise be entred in the same book or books the additions which are to be made to the present capital stock of the said governor and company, after the said rate of fourteen years purchase, for taking in the said lottery annuities for the said remaining term of twenty three years, as aforesaid: and moreover, in the same book or books there shall be entred the new additions which are to be made to the present annuity or yearly fund of the said governor and company in respect of such their new additional capital stock; which new additions to their annuity or yearly fund, are to commence from *Michaelmas* one thousand seven hundred and nineteen, and to be payable after the said rate of five pounds *per centum per annum*, until the said twenty fourth day of *June* one thousand seven hundred and twenty seven inclusively, and afterwards at the said rate of four pounds *per centum per annum*, until redemption by parliament, according to the purport and true meaning of this act.

IX. And whereas the above-mentioned principal sums, now carrying interest after the said rate of five pounds per centum per annum, do by computation amount to one million fifty five thousand nine hundred and ninety pounds, or thereabouts, as aforesaid; and the above-mentioned principal sums for which annuities are now payable after the like rate of five pounds per centum per annum, do by computation amount to ten millions seven hundred twenty three thousand six hundred and seventy pounds eleven shillings and three pence three farthings, or thereabouts; in all to eleven millions seven hundred seventy nine thousand six hundred and sixty pounds eleven shillings and three pence three farthings, or thereabouts, part of the above-mentioned principal sums, computed to amount to sixteen millions five hundred forty six thousand four hundred eighty two pounds seven shillings and one penny farthing, or thereabouts; which the said governor and company have undertaken to pay off at the rate of one hundred pounds per centum, on or before the said first day of *March* one thousand seven hundred and twenty one: it is therefore hereby further enacted by the authority aforesaid, That the said managers and directors so to be constituted, as aforesaid, shall according to such directions as they shall receive in writing from the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, prepare or cause to be prepared one or more other book or books, wherein shall be entred, under proper titles or prefaces, and in proper columns, every principal sum which shall have been actually paid off by the said governor and company in ready money, or otherwise, to the respective proprietors of the said principal sums so computed to amount to eleven millions seven hundred seventy nine thousand six hundred and sixty pounds eleven shillings and three pence three farthings, or thereabouts, after the said rate of one hundred pounds *per centum*, and proportionably for greater or lesser sums; and the respective days and times when every such payment shall have been made, and the names of the respective proprietors who shall have received the same, the particular duties, revenues, funds or provisions for which the

Managers to provide other books with columns, for entering the principal sums paid off by the South-Sea company to the proprietors of the principal sums at 5 l. per cent.

said interest monies or annuities after the said rate of five pounds *per centum per annum* were charged, or by or out of which the same were respectively payable; and there shall be also entred in the same book or books the new additions which are to be made to the present capital stock of the said governor and company, after the rate of one hundred pounds for every one hundred pounds so paid off by them, and the new additions which are to be made to the present annuity or yearly fund of the said governor and company, in respect of the same new additional stock or stocks; which additions to their present annuity or yearly fund are to commence from the quarterly feast-day, or half-yearly feast-day on which those annuities or interest-monies are now payable, and last preceding the time of taking in such annuities and debts respectively; and are to be also payable after the said rate of five pounds *per centum per annum*, until the said twenty fourth day of June one thousand seven hundred and twenty seven inclusively, and afterwards at the rate of four pounds *per centum per annum*, until redemption by parliament, according to the purport and true meaning of this act.

And other books for entring the sums paid off to the proprietors of the principal sums of 4*l.* per centum.

X. *And whereas the above-mentioned principal sums, now carrying interest after the said rate of four pounds per centum per annum, do by computation amount to one million seven hundred fifteen thousand three hundred and twenty pounds, or thereabouts, as aforesaid; and the principal sums for which annuities are now payable after the like rate of four pounds per centum per annum, do by computation amount to three millions fifty one thousand five hundred and one pounds fifteen shillings and nine pence halfpenny, or thereabouts; in all, to four millions seven hundred sixty six thousand eight hundred twenty one pounds fifteen shillings and nine pence halfpenny, or thereabouts, being other part of the abovementioned principal sums computed to amount to sixteen millions five hundred forty six thousand four hundred eighty two pounds seven shillings and one penny farthing, or thereabouts; which the said governor and company have undertaken to pay off at the like rate of one hundred pounds per centum, on or before the said first day of March one thousand seven hundred and twenty one: it is therefore hereby further enacted by the authority aforesaid, that the said managers and directors so to be constituted, as aforesaid, shall according to such directions as they shall receive in writing from the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, prepare or cause to be prepared one or more other book or books, wherein shall be entred, under proper titles or prefaces, and in proper columns, every principal sum which shall have been actually paid off by the said governor and company in ready money, or otherwise, to the respective proprietors of the said principal sums so computed to amount to four millions seven hundred sixty six thousand eight hundred twenty one pounds fifteen shillings and nine pence halfpenny, or thereabouts, after the said rate of one hundred pounds for every hundred pounds so paid off by them, and proportionally for greater or lesser sums; and the respective days and times*
when

when every such payment shall have been made, and the names of the respective proprietors who shall have received the same, with the particular duties, revenues, funds or provisions, for which the said interest monies or annuities after the said rate of four pounds *per centum per annum* were charged or by or out of which the same were respectively payable; and there shall also be entred in the same book or books, the new additions which are to be made to the present capital stock of the said governor and company, after the said rate of one hundred pounds for every one hundred pounds so paid off by them, and the new additions which are to be made to the present annuity or yearly fund of the said governor and company, in respect of the same new additional stock or stocks; which additions to their present annuity or yearly fund are to commence from the quarterly feast-day, or half-yearly feast-day on which those annuities or interest-monies are now payable, and last preceding the time of taking in such annuities and debts respectively; and to be also payable at the like rate of four pounds *per centum per annum*, until the said twenty fourth day of *June* one thousand seven hundred and twenty seven inclusively; and afterwards at the like rate of four pounds *per centum per annum*, until redemption by parliament, according to the purport and true meaning of this act.

XI. *And whereas the said governor and company may come to an agreement with some or all of the proprietors of the above-mentioned principal sums now carrying interest at the said respective rates of five pounds and four pounds per centum per annum, before satisfaction of those principal sums respectively, or with those who are or shall be intrusted by or for them, or some of them, and with some or all of the proprietors of the above-mentioned principal sums for which redeemable annuities are now payable after the said respective rates of five pounds and four pounds per centum per annum, or with those who are or shall be intrusted by or for them, or some of them (all which principal sums are in this act computed to amount in the whole to sixteen millions five hundred forty six thousand four hundred eighty two pounds seven shillings and one penny farthing, or thereabouts, as aforesaid) in pursuance of which agreements, such proprietors, or some of them, or those intrusted by them, may be willing and desirous, at some time or times before the said first day of March one thousand seven hundred and twenty one, to accept their payment and satisfaction of and for such their principal sums in money, at the said rate of one hundred pounds per centum, or by stock at such price or prices as shall be agreed upon between them and the said governor and company, and accordingly to subscribe the same in the book or books before-mentioned, or in several books to be prepared for that purpose, although such notice or notices as are required by any law or laws now in force, be or be not given for the payment of the said principal sums, or any of them, and without insisting upon any time or times allowed by law, after the giving such notice or notices: it is therefore provided and further enacted by the authority aforesaid, That the said managers and directors to be constituted and appointed in pursuance*

of this act, or such or so many of them, as aforesaid, according to such directions as they shall, from time to time, receive in writing from the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, if thereto requested by the court of directors of the said governor and company for the time being, and such request be signified in writing under the hands of any seventeen, or more of them, or under the common seal of the said company, and not otherwise, shall prepare or cause to be prepared one or more other book or books, or several other books, wherein shall be entred, under proper titles or prefaces, and in proper columns, all and every the principal sums which shall be so paid off by the said governor and company in ready money, at the said rate of one hundred pounds *per centum*, or by such stock as shall be accepted in lieu thereof, by or in pursuance of such subscriptions, and the names of the respective proprietors who shall be so paid or satisfied, and the particular duties, revenues, funds or other provisions on which the principal monies last mentioned, or the said redeemable interest or annuities payable in respect of the same were charged, or by or out of which the same were respectively payable, and the new additions which are to be made to the present capital stock of the said governor and company in respect thereof, at the said rate of one hundred pounds for every one hundred pounds principal money so taken in by such subscriptions, and the new additions which are to be made to the present annuity or yearly fund of the said governor and company, in respect of such their new additional stock or stocks; which additions to their present annuity or yearly fund, shall be after the rate of five pounds *per centum per annum*, for so much of such their new capital stock as they are to have for paying off such of the said principal sums which carry interest or annuities after the said rate of five pounds *per centum per annum*, and shall be after the rate of four pounds *per centum per annum*, for so much of such their new capital stock as they are to have for paying off such of the said principal sums as carry interest or annuities after the said rate of four pounds *per centum per annum*; and the same respective additions to their present annuity or yearly fund of the said governor and company, at the respective rates last mentioned, shall commence from the quarterly feast-day or half-yearly feast-day, on which those annuities or interest-monies are now payable, and last preceded the time of taking in such annuities and debts respectively, and shall continue until the said twenty fourth day of *June* one thousand seven hundred and twenty seven inclusively; and afterwards at the said rate of four pounds *per centum per annum*, until redemption by parliament, according to the purport and true meaning of this act.

These books
to be opened
by the ma-
nagers at such
times as the

XII. And be it enacted by the authority aforesaid, That the said managers and directors to be constituted in pursuance of this act, shall from time to time, and at such times as the court of directors of the said governor and company for the time being

being shall appoint, open all and every or any of the books so to be prepared, as aforesaid, at the publick office of the said governor and company, or at some other convenient publick place to be appointed by the said court of directors, whereof notice shall, from time to time, be given in writing to be affixed upon the *Royal Exchange in London*, and shall also be inserted in the *London Gazette*, and that such books shall lie open for such time and times respectively as the said court of directors shall, from time to time, judge necessary.

XIII. And for avoiding all disputes and controversies concerning the property of any the principal sums by this act intended to be purchased or paid off, or any the annuities or interest-monies payable for the same: be it further enacted and declared by the authority aforesaid, that every person and corporation, by or for whom there shall be produced to the said managers and directors, or such of them as aforesaid, during the time and times the said book or books relating to those tickets shall lie open, so many of the said unsubscribed pay-tickets belonging to the said lottery of the year one thousand seven hundred and ten, as would (in case they be not taken in by this act) warrant the payment of any the said annuities payable thereupon, for the said whole term of twenty-three years, out of the yearly sum of forty six thousand two hundred and sixty pounds six shillings and one penny above-mentioned, shall be deemed the true and lawful owner of every such lottery-annuity respectively; and that every person and corporation, by or for whom there shall be produced to the said managers and directors, or such of them, as aforesaid, (during the time or times the said book or books relating to the fortunate tickets drawn in the lottery prescribed by the said act of the fifth year of his Majesty's reign shall lie open) any of those tickets by which the fortunate adventurers (in case such tickets be not taken in by this act) would be intitled to annuities, after the rate of four pounds *per centum per annum*, out of the yearly fund of twenty thousand pounds therein mentioned, and be payable by the cashier of the bank of *England*, for the time being, redeemable nevertheless by parliament, shall be deemed and adjudged to be the true and lawful proprietors of the same annuities respectively: provided such fortunate tickets so produced shall have been first chequed, proved and attested by the managers appointed or to be appointed by the commissioners of his Majesty's treasury for that purpose, or some or one of them; and that every person and corporation, by or for whom there shall be produced to the said managers and directors, or such of them, as aforesaid (during the time or times the said book or books relating to the fortunate tickets drawn in another lottery, and by another act of the fifth year of his Majesty's reign, shall lie open) any of those tickets as would (in case they be not taken in by this act) intitle the fortunate adventurers to several principal sums, amounting in the whole to five hundred thousand pounds, with interest for the same, till the principal shall be satisfied out of a fund

South-Sea company shall appoint by publick notice.

Clause to ascertain who shall be deemed the proprietors of the annuities on the unsubscribed pay-tickets, 1710.

Or on the lot-teries of 5 Geo. 1. c. 9.

fund of thirty thousand five hundred and fifty nine pounds fourteen shillings *per annum*, mentioned in that act, shall be deemed and adjudged the true and lawful proprietors of the said principal sums, and the interest attending the same respectively; provided such fortunate tickets so produced shall have been first chequed, proved and attested by the managers already appointed or to be appointed for that purpose, or some or one of them.

Who shall be deemed the proprietors of the annuities of 96, 89, and 99 years, &c.

12 Ann. stat. 2. c. 9.
1 Geo. 1. stat. 1. c. 2.

XIV. *And whereas the above mentioned annuities payable during the several remainders yet to come and unexpired of the above mentioned terms of ninety six years, eighty nine years and ninety nine years, or during such particular estates and interests as will make up the said whole remainders of the same terms respectively, and the said annuities payable after the said rate of nine pounds per centum during the remainder of the said term of thirty two years therein granted, and the principal money remaining unsatisfied upon her late Majesty's letters patents above mentioned, and the interest thereof and the principal money remaining unsatisfied, as well in respect of the blank tickets as of the fortunate tickets, by virtue of the said act of the twelfth year of her said late Majesty's reign, and the said act of the first year of his Majesty's reign, are all payable by standing orders which were made forth and signed by the several lord treasurers or commissioners of the treasury for the time being; which orders, and all assignments thereof, or any part thereof, and of the annuities or debts therein specified, or any of them, or any part thereof, and all devises or will concerning the same, are or ought to be registred, entered or notified in books for that purpose kept in the receipt of his Majesty's exchequer, or in particular offices where the same annuities or debts respectively have been or are payable: it is hereby further enacted by the authority aforesaid, That such persons or corporations respectively, as by the said books, registers or entries shall appear to be the persons or corporations entitled to any such annuities or debts as are last mentioned, at the time or respective times when the same shall be taken in by such purchase, subscription or paying off as aforesaid, pursuant to this act, shall be deemed and adjudged to be the true and lawful proprietors thereof respectively; and that the auditor of the receipt of the exchequer, and each comptroller in those particular offices respectively, shall on or before the thirtieth day of May one thousand seven hundred and twenty transmit, or cause to be transmitted in writing under their respective hands, to the managers and directors to be constituted in pursuance of this act, or such of them as aforesaid, fair schedules or lists, expressing therein every such annuity and debt, and the present proprietors thereof, and the particular duties, provisions or funds charged therewith, as they shall appear by the said books, registers or entries at the time of transmitting such schedules; and shall afterwards, from time to time, daily certify to the said managers and directors so to be constituted, or such of them as aforesaid, all alterations or additions which ought to be made in or to the said schedules by any subsequent assignments, wills or titles which shall be brought to the said receipt, or other offices respectively to*

to be entred, after the transmitting of the said schedules, until the said first day of *March* one thousand seven hundred and twenty one.

XV. And whereas the said annuities, after the rate of five pounds per centum per annum, amounting to fifty three thousand nine hundred and fifty pounds per annum, or thereabouts, founded upon the said two acts of the first year of his Majesty's reign; and the said annuities, after the rate of five pounds per centum per annum, amounting to four hundred seventy six thousand seven hundred and seventeen pounds seventeen shillings and eight pence per annum, or thereabouts, founded upon the said act of the third year of his Majesty's reign; and the said annuities, after the rate of four pounds per centum per annum, amounting to one hundred and two thousand thirty six pounds thirteen shillings and two pence per annum, or thereabouts, founded upon the same act; and the said annuity or annuities, after the rate of five pounds per centum per annum, amounting to five thousand five hundred and fifteen pounds twelve shillings per annum, or thereabouts, payable for the service of the navy and victualling thereof, by a clause in the act for the land tax of the fifth year of his Majesty's reign; and the said annuity of twenty three pounds eight shillings and three pence farthing per annum, founded on the said act for the relief of Edward Clent, are all payable by the cashier of the bank of England for the time being, out of money impressed to him at the receipt of the exchequer for that purpose; and all the annuities so payable by the said cashier, or shares in joint stocks for the same, are assignable or transferrable, in books kept at the publick office of the governor and company of the bank of England, in the manner and form prescribed by several acts of parliament in that behalf, and are deviseable by wills entred or notified in the Books there kept for that purpose: now it is hereby further enacted By the authority aforesaid, That such persons or corporations respectively, as by the said books, registers or entries kept in the said publick office of the bank of England shall appear to be the persons or corporations entitled to any such annuities last mentioned, at the time or respective times when the same shall be taken in by such purchase, subscriptions or paying off as aforesaid, pursuant to this act, shall be deemed and adjudged the true and lawful proprietors of the same annuities respectively, and of the proportional shares of stock created for the same; and that the accountant general in the said publick office of the bank of England now being, or that hereafter shall be, shall on or before the thirtieth day of *May* one thousand seven hundred and twenty transmit, or cause to be transmitted in writing under his hand, to the managers and directors to be constituted in pursuance of this act, or such of them as aforesaid, fair schedules or lists, expressing therein every such annuity or share in stock for the same, and the names and additions of all the respective proprietors thereof, and the particular duties and provisions or funds charged therewith, as they shall appear by the said books, registers or entries, at the time of transmitting such schedules; and shall afterwards, from time to time, certify to the said managers

Who shall be deemed the proprietors of the annuities of 5 l. per cent. and 4 l. per cent. &c. or the debts to be taken in.

1 Geo. 1. stat. 1.

c. 2.

3 Geo. 1. c. 7.

5 Geo. 1. c. 13

nagers and directors so to be constituted, or such of them as aforesaid, all alterations or additions which ought to be made in or to the schedule last mentioned, by any subsequent transfers, wills or titles which shall be brought to the said office of the bank to be entred after transmitting the schedule last mentioned, until the said first day of *March* one thousand seven hundred and twenty one.

No fee for transmitting any schedules, lists or certificates.

XVI. And it is hereby enacted, That no fee, gratuity or reward shall be demanded or taken of the said *South-Sea* company, or of the said managers and directors to be constituted as aforesaid, or of the respective proprietors, or any of them, or of any agents or instruments to be appointed by them, or any of them as aforesaid, for making or transmitting any the said schedules, lists or certificates; and that such persons or corporations respectively, as by such schedules, lists or certificates shall appear to be the persons or corporations entitled to any such annuities last mentioned in such schedules, lists or certificates, shall be deemed and adjudged to be the true and lawful proprietors of the same annuities respectively, and of the proportionable shares of stock created for the same at the time of transmitting the said schedules, lists and certificates respectively.

Managers, before the books be opened, to give notice to the accountant general of the bank of the time,

XVII. And for the more easy and safe execution of the several powers and trusts by this act reposed in the managers and directors to be appointed pursuant thereunto, and for the prevention of frauds, and that the publick may not be liable to a double payment for or in respect of any of the said annuities which are transferrable at the bank of *England*: be it further enacted by the authority aforesaid, That the said managers and directors to be appointed in pursuance of this act, or any three or more of them, shall from time to time and at all times, before any of the said books relating to the same annuities shall be opened by them, give notice in writing under their hands to the said accountant general in the office of the bank of *England*, of the respective day and days on which such respective subscription-books will be opened; and shall likewise from time to time, as soon as conveniently may be, after each and every closing of such book and books respectively, by a list or schedule, lists or schedules, under the hands of the same managers or directors, or any three or more of them, to be transmitted to the said accountant general for the time being, certify the names of the respective proprietors of and in the same annuities, and every or any of them, by or for whom such subscriptions as aforesaid shall have been made in the book or books to be so opened by the said managers or directors, and of the particular shares and interests of and in the same annuities respectively and the stock attending the same, which shall have been so subscribed by or for every such person or persons, bodies politick or corporate; upon receipt of which lists or schedules from the same managers and directors the said accountant general shall forthwith and from time to time write off from and debit the accounts of each and every person or persons, bodies politick or corporate, contained

and after closing of the books to certify the names of the persons by or for whom subscriptions shall have been made, to the said accountant general, &c.

tained in the same lists or schedules, of or for the respective parts or shares of and in the same annuities respectively, and of and in the stock attending the same, contained in the same lists or schedules; and shall take care that the respective person and persons, bodies politick or corporate, do not transfer or assign any such part or share of and in the same annuities and the stock attending the same, which shall be contained in such lists or schedules to be transmitted to him by the same managers or directors; and the said accountant general shall likewise take care, that from and after such notice shall be given to him as aforesaid by the said managers and directors to be appointed in pursuance of this act, or any three or more of them, and until he shall have received from the same managers or directors, or any three or more of them, such lists or schedules as are directed to be transmitted to him by them, no transfers or assignments shall be made in the book or books by him kept relating to those annuities respectively for or concerning which such subscription book or books shall be so opened.

After such notice no transfers, &c.

XVIII. And be it further enacted by the authority aforesaid, That if the said accountant general in the publick office of the bank of *England* for the time being shall at any time or times hereafter neglect or delay to transmit such lists or schedules, or to make such certificate or certificates to the managers or directors to be constituted in pursuance of this act, or to shut or stop the transfers of the said redeemable annuities which are transferrable at the publick office of the said bank of *England*, according to the purport and true meaning of this act, or to do any other matters or things by this act required to be done or performed by such accountant general, that then and in every such case and so often, the governor and company of the bank of *England*, and their successors (who have the nomination or appointment of such accountant general) shall be and are hereby required and obliged to cause and procure to be done and performed the same matters and things (so delayed or neglected to be done and performed) in such manner as such accountant general ought to have done the same by virtue or in pursuance of this act.

Accountant general of the bank neglecting to transmit such lists, &c. the bank to cause the same to be done.

XIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said governor and company of merchants of *Great Britain* trading to the *South-Seas* and other parts of *America*, and for encouraging the fishery, at any time or times before the said first day of *March* one thousand seven hundred twenty one, to redeem all and every or any the redeemable debts and incumbrances above in this act recited or mentioned, amounting in the whole to the said sum of sixteen millions five hundred forty six thousand four hundred eighty two pounds seven shillings and one penny farthing, or thereabouts, and the respective securities for the same, by paying off the same debts and incumbrances, and every or any of them, at the rate of one hundred pounds for every one hundred pounds principal money, and proportionably for greater or lesser sums, at the

South-Sea company, before 1 March 1721, may redeem the redeemable debts of 16,546,482 l. 7 s. 1 d. 1 q.

at the rate of 100 l. for every 100 l. principal money.

publick

publick office of the said *South-Sea* company in the city of *London*, at some time or times before the said first day of *March* one thousand seven hundred twenty one, and to use and cause, or procure to be used and to be put in execution, all lawful ways and means for redemption thereof.

Where notice should be given by authority of parliament, &c. the company are to give such notice.

XX. And be it enacted by the authority aforesaid, That in all and every case and cases, where in or by any act or acts of parliament now in force, any notice or notices for redemption of the said debts and incumbrances, or any of them, might or should be given or left in behalf of the publick, by authority of parliament or by the speaker of the house of commons, pursuant to any vote or resolution of that house, such and the like notice or notices shall and may be given or left by the said governor and company of merchants of *Great Britain* trading to the *South-Seas* and other parts of *America*, and for encouraging the fishery, or by such person or persons as they or their court of directors shall appoint to give or leave such notice or notices, for redemption of the same debts and incumbrances, or so many or such part or parts of them respectively as are redeemable at a time, as the same governor and company, or their court of directors, in regard to the abilities and other circumstances of the same company, shall think fit; and that from and after the expiration of the time and times to be mentioned in such notice and notices for paying off and redeeming the same debts and incumbrances, or any parts of them, every or any of them, such debts and incumbrances, or such part and parts thereof, as shall be mentioned in such notice or notices to be redeemed, shall, upon payment of the respective sum or sums of money payable to the proprietors for such redemption, or tender thereof at the publick office of the same governor and company, be and be adjudged to be redeemed; and the interest and annuity payable in respect thereof to the respective proprietors of such debts and incumbrances, or their respective parts or proportions thereof, so far as the sum or sums so to be paid off or redeemed shall extend, shall thenceforth cease and determine to be payable to them; and in lieu thereof, an annuity after such and the like rate as the interest money and annuity as is now payable for or in respect of such debts or incumbrances, shall be from thenceforth paid and payable to the said governor and company of merchants of *Great Britain* trading to the *South-Seas* and other parts of *America*, and for encouraging the fishery, and their successors, or to their cashier for the time being for their use, until and for the said feast-day of the nativity of *Saint John Baptist* which shall be in the year of our Lord one thousand seven hundred twenty seven, and from thenceforth after the rate of four pounds *per centum per annum*, until redemption by parliament, and a proportional addition or additions in respect thereof shall be made to their capital stock, according to the purport and true meaning of this act: so as such debts and incumbrances as shall be redeemed upon such notice or notices, be paid off at the said rate of one hundred pounds for every one hundred

On payment or tender the said debts to be redeemed, &c.

and a proportional addition to be made to the capital stock.

hundred pounds principal money, and in that proportion for greater or lesser sums, at such day or days, time or times, to be mentioned in such notice or notices for payment thereof, on this side and before the said first day of *March* one thousand seven hundred twenty one, at the publick office of the same governor and company. And as to such of the said debts and incumbrances for redemption whereof no notice is by law required, it shall and may be lawful to and for the said governor and company of merchants of *Great Britain* trading to the *South-Seas* and other parts of *America*, and for encouraging the fishery, or their court of directors for the time being, to give notice by writing or writings to be affixed upon the *Royal Exchange* in *London*, or by publication or publications in the *London Gazette*, and thereby to appoint and ascertain a time or times for payment of and redeeming all or any such debts and incumbrances, or so many or such part or parts of them respectively at a time, as the same governor and company, or their court of directors, in regard to the abilities or circumstances of the same company shall think fit; and that from and after the expiration of the time and times to be mentioned in such notice or notices for paying off and redeeming the same debts and incumbrances, or any parts of them, every or any of them, such debts and incumbrances (upon payment of the respective sum or sums of money payable to the proprietors for such redemption, or tender thereof at the publick office of the same governor and company) shall be and be adjudged to be redeemed, and the interest and the annuity payable in respect thereof, to the respective proprietors of such debts and incumbrances, shall thenceforth cease and determine to be payable to them, and in lieu thereof, an annuity after such and the like rate, as the interest-money and annuity as is now payable for or in respect of such debts or incumbrances, shall be from thenceforth paid and payable to the said governor and company of merchants of *Great Britain* trading to the *South Seas* and other parts of *America*, and for encouraging the fishery, and their successors, or to their cashier for the time being for their use, until and for the said feast-day of the nativity of *Saint John Baptist* which shall be in the year of our Lord one thousand seven hundred twenty seven; and from thenceforth after the rate of four pounds *per centum per annum*, until redemption by parliament; and a proportional addition or additions in respect thereof shall be made to their capital stock, according to the purport and true meaning of this act.

As to such debts whereof no notice is by law required, company to give notice by writing on the Exchange or in the Gazette of the times for payment.

After 24 June-1727, interest at 4 l. per cent.

XXI. And be it also further enacted by the authority aforesaid, That it shall and may be lawful to and for the said governor and company of merchants of *Great Britain* trading to the *South-Seas* and other parts of *America* and for encouraging the fishery, at any time or times before the said first day of *March* one thousand seven hundred and twenty one, to take in, by way of purchase or subscriptions, all and every or any the above mentioned annuities payable during the respective remainders then to come and unexpired of the above mentioned terms of ninety

Company before 1 March 1721, may take in, by purchase or subscriptions, the annuities of 96, 89, and 99 years, &c.

at such prices as shall be mutually agreed on with the proprietors.

fix years, eighty nine years and ninety nine years, in this act before computed to amount in the whole to six hundred sixty six thousand eight hundred twenty one pounds eight shillings and three pence halfpenny *per annum* or thereabouts, and all the present and future estates and interests therein, and the respective securities for the same, so as the same annuities respectively by such purchases or subscriptions be effectually taken in for the whole residues and remainders then to come and unexpired of the said respective terms of ninety six years, eighty nine years and ninety nine years from the respective proprietors thereof, at such price and prices as shall be agreed upon between the same company, or their court of directors on their behalf, and those proprietors respectively, and so as the same price or prices for such annuities be paid or satisfied at the publick office of the said *South-Sea* company in *London*, at some time or times at or before the said first day of *March* one thousand seven hundred and twenty one; and to take in, by purchases or subscriptions, all and every or any the above mentioned lottery annuities in this act computed to amount to forty six thousand two hundred and sixty pounds six shillings and one penny *per annum*, or thereabouts, for the said whole term of twenty three years, reckoned from *Michaelmas* one thousand seven hundred and nineteen, and the pay tickets for the same, from the respective proprietors thereof, at such price or prices as shall be mutually agreed between the same company, or their court of directors in their behalf, and the respective proprietors of those annuities, so as such price or prices for the same be paid or satisfied at the publick office of that company in *London*, at some time or times at or before the said first day of *March* one thousand seven hundred and twenty one; and to take in, by purchase or subscriptions, all and every or any the above mentioned annuities before in this act computed to amount to eighty one thousand pounds *per annum*, or thereabouts, for the said whole term of twenty two years and three quarters of a year, reckoned from *Christmas* one thousand seven hundred and nineteen, or for the remainder of that term which shall be to come and unexpired at the quarter-day preceding the taking in of the same, and the respective securities for the same, from the respective proprietors thereof, at such price or prices as shall be mutually agreed between that company, or their court of directors on their behalf, and the respective proprietors of those annuities, so as such price or prices for the same be likewise paid or satisfied at their publick office in *London*, at some time or times at or before the said first day of *March* one thousand seven hundred and twenty one.

If the proprietors are willing to accept a share in the company's stock,

XXII. Provided always, and it is hereby enacted by the authority aforesaid, That if all or any of the proprietors of all or any the said redeemable debts and incumbrances computed in and by this act to amount to sixteen millions five hundred forty six thousand four hundred eighty two pounds seven shillings and one penny farthing, or thereabouts, shall be willing and desirous

at

at the time or respective times of subscribing or paying off the same, or any of them, to accept and take (in lieu of the said one hundred pounds *per centum* in money) a share or shares of and in the capital or joint stock of the said *South-Sea* company, increased and to be increased pursuant to this act, at such price or prices as shall then be mutually agreed by and between the same company, or their court of directors in their behalf, and the said proprietors, or any of them, or if all or any the proprietors of all or any the said annuities computed in and by this act to amount severally to six hundred sixty six thousand eight hundred twenty one pounds eight shillings and three pence half-penny *per annum*, forty six thousand two hundred and sixty pounds six shillings and one penny *per annum*, and eighty one thousand pounds *per annum*, or thereabouts, shall be willing and desirous, at the time or respective times of taking in the same, or any of them, by purchase or subscriptions as aforesaid, to accept and take (for and in lieu of their respective annuities or debts) a share or shares of and in the same capital or joint stock increased and to be increased pursuant to this act, at such rate or rates for the said stock as shall then be mutually agreed by and between the same company, or their court of directors in their behalf, and the said proprietors, or any of them, that then and in all and every such case and cases the said several and respective proprietors so desiring to accept (for or in lieu of their respective annuities or debts) such shares in stocks, shall be entitled thereunto accordingly, and the same proprietors, whether they be natives or foreigners, bodies politick or corporate, his, her and their heirs, executors, administrators, successors and assigns respectively shall have and enjoy and be entitled, by force and virtue of this act, to have and enjoy of and in the said capital or joint stock of the same company increased and to be increased as aforesaid, such respective shares as aforesaid, and in respect of such shares shall be deemed and taken to be members of the same company, and be incorporated into the same, and shall, in proportion to the same shares respectively, have and be entitled to the like benefits, powers, privileges and advantages, as other members of that company shall or ought to enjoy in respect of their shares in the said capital stock; and that all and every such proprietor and proprietors, from the time or respective times of his, her or their agreeing, by contract, subscription or otherwise, to accept such stock in lieu and satisfaction of his, her or their annuities, debts or other incumbrances before mentioned, shall have credit in the books of the same company for his, her or their proportion or share of and in the whole capital or joint stock of the same corporation increased and to be increased as aforesaid, and of and in all dividends, profits and advantages whatsoever to attend the same.

XXIII. And be it further enacted by the authority aforesaid, That all and every proprietor and proprietors of the above mentioned annuities and debts, or any of them, his, her and their executors, administrators, successors and assigns respectively shall

at such prices as shall be mutually agreed at the time of subscribing, in lieu of money,

such proprietors shall be admitted into the company for such shares,

Proprietors may subscribe, whilst the books are to be kept open, have

on the terms
of the act.

Executors, &c.
may subscribe.

Persons who
have accepted
shares in the
capital stock,
must deliver
up their orders
and tickets.

have liberty by themselves respectively, or by such person or persons as they respectively shall think fit to employ in this behalf, during such time or times as the said subscription-books shall be kept open, to subscribe or write his, her or their annuity or annuities, debt or debts, or any of them, in such of the said books as shall be proper for that purpose, at such respective rates and prices, and upon such several and respective terms and conditions, as are before in this act prescribed concerning the same respectively; and that all executors, administrators, guardians and trustees shall have like liberty and power to make or cause to be made the said subscriptions and acceptance of money or stock, for and on the behalf of their respective testators, intestates, or of infants, minors, femes covert, cestui que trusts or others for whom they are or shall be respectively intrusted, and are and shall be, by virtue of this act, indemnified in and for doing the same; nevertheless the share or interest which such executors, administrators, guardians and trustees respectively shall, by virtue of such subscriptions as aforesaid, have or be entitled to in the capital or joint stock of the same company increased and to be increased as aforesaid, shall be subject and liable to the like uses, trusts and purposes, as the same annuities and debts were or would have been liable, had not the same been taken in as aforesaid.

XXIV. Provided always, and be it enacted by the authority aforesaid, That all and every person and persons or corporations, who shall be paid or satisfied for his, her or their annuities, debts or incumbrances in money, or by acceptance of any share or shares in the said capital stock, or otherwise, at the respective rates and prices by this act intended concerning the same, shall at the same time deliver or cause to be delivered up to such person or persons, or such or so many of them, as the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, shall in this behalf appoint, all the orders and tickets whereby such proprietors respectively were entitled to such annuities, debts or incumbrances, or any of them, whether the same be any of the standing orders which were made forth and signed by any lord treasurer or commissioners of the treasury for the time being, for payment of such of the said annuities, or for payment of any principal sums with interest for the same, as were made payable at the receipt of the exchequer, or be any of the standing orders which were made forth and signed as aforesaid for payment of such annuities or principal sums with interest, as were made payable in any of the particular offices, commonly called the lottery-offices, or be any of the pay-tickets which were made forth by the said lottery act of the year one thousand seven hundred and ten, and were not subscribed into the capital stock of the said *South-Sea* company, pursuant to a subsequent act in that behalf, or by any of the fortunate tickets drawn on the said two lottery acts of the sixth year of his Majesty's reign, or either of them, which shall first have been chequed, proved and attested as aforesaid.

XXV. Pro

XXV. Provided always; That if any of the proprietors of any the said orders or tickets so to be delivered up (not being a Quaker) shall make oath by an affidavit in writing, or (being a Quaker) shall make a solemn affirmation in writing, that any the said orders or tickets are lost, burnt or destroyed, and that he, she or they, for that cause, cannot produce the same, and that such orders or tickets, if they could be produced, would be his, her or their own property at the time of making such oath or affirmation, and if the said persons to be appointed for taking in the said orders and tickets, or any two or more of them (who have hereby power to take such oaths and affirmations respectively, and to examine the parties concerning the same) shall be satisfied in the truth thereof, then and in every such case, the said persons to be appointed for taking in the orders and tickets, or any two or more of them, have hereby power to take in the said affidavits or affirmations instead of the orders or tickets to which they shall have relation; any thing herein contained to the contrary notwithstanding.

XXVI. And it is hereby further enacted by the authority aforesaid, That the person or persons to be appointed for taking in the said orders and tickets, as aforesaid, shall from time to time, as soon as conveniently may be, after any of them, or any such affidavits or affirmations instead of any of them, shall be taken in, deliver the said orders and tickets, affidavits and affirmations so taken in, with exact lists thereof (the said lists to be signed by the said persons so to be appointed, or by two or more of them) into the office of the auditor of the receipt of the exchequer for the time being, there to remain for ever: and that no payments or issues upon any the orders, tickets, affidavits or affirmations so delivered up, shall afterwards be made at the said receipt of the exchequer, or in any the said particular offices, unless it be for such arrearages of the said annuities or interest-monies, for payment of which special provision is afterwards made in and by this act; and that the particular duties, revenues, funds and provisions, charged with the payment of the annuities and debts which were payable by the said orders, tickets, oaths and affirmations so delivered up, or any of them, shall from thenceforth be discharged of and from the same, except as to the payment of the said arrearages touching which special provision is afterwards made in and by this act.

XXVII. And be it further enacted by the authority aforesaid, That the above mentioned managers and directors to be constituted in pursuance of this act, or any three or more of them, shall from time to time, as soon as conveniently may be, after opening the respective books by them to be opened, as aforesaid, until the said first day of *March* one thousand seven hundred and twenty one, make up, adjust and sign distinct accounts of all the annuities and debts which shall have been taken in or paid off within the time of every such account successively; that is to say, one account of all the annuities which within the time of the same account shall have been taken as part of the said annuities

On affidavit, &c. that orders, &c. have been lost, such affidavit to be taken instead of the orders.

The orders, &c. to be delivered with lists signed in to the exchequer.

And the funds shall be discharged therefrom.

Managers to adjust and sign distinct accounts of annuities, &c. taken in or paid off, within the time of such account.

nuities computed to amount to six hundred sixty six thousand eight hundred twenty one pounds eight shillings and three pence halfpenny *per annum*, or thereabouts; one other account of all the annuities which within the time of the same account shall have been taken in as part of the said annuities computed to amount to eighty one thousand pounds *per annum* or thereabouts; one other account of all the said heretofore unsubscribed lottery annuities which within the time of the same account shall have been taken in as part of the said annuities computed to amount to forty six thousand two hundred and sixty pounds six shillings and one penny *per annum*, or thereabouts; one other account of all the principal sums which within the time of every such account shall have been taken in by purchase or subscriptions, to be paid off as part of the above mentioned sums computed to amount to five hundred sixty three thousand three hundred pounds, carrying interest at four pounds *per centum per annum*, by virtue of her Majesty's letters patents before mentioned; one other account of all the principal sums which within the time of every such account shall have been taken in by purchase or subscriptions, or paid off as part of the above mentioned sums computed to amount to one million fifty five thousand nine hundred and ninety pounds, or thereabouts, carrying interest at five pounds *per centum per annum*; and six hundred fifty two thousand and twenty pounds, or thereabouts, carrying interest after the rate of four pounds *per centum per annum*, by virtue of the said acts of the twelfth year of the reign of Queen Anne, and the first year of his now Majesty's reign; one other account of all the principal sums which within the time of every such account shall have been taken in by purchase or subscriptions, or paid off as part of the above mentioned sum of five hundred thousand pounds payable with interest at four pounds *per centum per annum*, by one of the said lottery acts of the fifth year of his Majesty's reign; and one other account of all the principal sums which within the time of every such account shall have been taken in by purchase or subscription, or paid off as part of the above mentioned sum computed to amount to ten millions seven hundred twenty three thousand six hundred seventy pounds eleven shillings and three pence three farthings, or thereabouts, for which annuities are now payable by the cashier of the bank of England, at the rate of five pounds *per centum per annum*; or as part of the above mentioned sum computed to amount to three millions fifty one thousand five hundred and one pounds fifteen shillings and nine pence halfpenny, or thereabouts, for which annuities are now payable by the same cashier, at the rate of four pounds *per centum per annum*: and that in every such account so to be made and adjusted, from time to time, there shall be particularly expressed every annuity or debt respectively taken in or paid off, as aforesaid; the names of the respective proprietors, from whom the same shall have been taken in or paid off; the particular duties, revenues, funds and provisions, which were severally charged therewith; the prices or rates paid to each proprie-

tor for the same, and the additions which the said *South-Sea* company is to have to their own capital stock and annuity, or yearly fund for taking in, or paying off those annuities and debts respectively, according to the tenor and true meaning of this act.

XXVIII. And it is hereby enacted, That the said managers and directors, to be constituted in pursuance of this act, as aforesaid, or any three or more of them, shall from time to time, upon their making up, adjusting and signing the said several accounts, as aforesaid, transmit or cause to be transmitted duplicates thereof, attested by them, or any three or more of them, to the commissioners of the treasury, or the high treasurer for the time being, and to the court of directors of the *South-Sea* company for the time being, and duplicates of so much thereof as concerned any of the said annuities or debts, which were payable at the said receipt of the exchequer, to the auditor of the said receipt for the time being; and duplicates of so much thereof as concerned any of the said annuities or debts which were payable at the lottery-offices, to such persons as the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, shall appoint; and duplicates of so much thereof as may relate to the principal sums, for which annuities are payable at the respective rates aforesaid, by the cashier of the bank of *England*, to the accountant general of the governor and company of the bank of *England* for the time being.

Managers to transmit duplicates of such accounts to the treasury, and to the directors of the *South-Sea* company, &c.

XXIX. And be it further enacted by the authority aforesaid, That the said managers and directors, to be constituted in pursuance of this act, or any three or more of them, shall with all convenient speed, after the said first day of *March* one thousand seven hundred and twenty one, or after all the said annuities and debts shall be taken in or paid off, as aforesaid (which shall first happen) deliver or cause to be delivered, complete duplicates of all the subscriptions and entries which shall be contained in all the said books to be opened and kept by them, such complete duplicates being first attested under the hands of three or more of the said managers and directors, to the auditor of the receipt of the exchequer for the time being, to remain in his office for ever: and the said managers and directors, or any three or more of them, shall also with all convenient speed, after the said first day of *March* one thousand seven hundred and twenty one, or after all the said annuities and debts shall be taken in or paid off, as aforesaid (which shall first happen) deliver or cause to be delivered the said books containing all the subscriptions and entries, which then or before that time shall have been made therein (such books being first attested under the hands of three or more of the same managers and directors) to the court of directors of the *South-Sea* company, for the use of the same company.

After 1 March 1721. or after the annuities be taken in or paid off, managers to transmit a complete duplicate of the whole into the exchequer,

and the subscription-books to the *South Sea* company.

XXX. And whereas the present capital or joint stock of the said governor and company of merchants of Great Britain trading to the

South

South-Seas and other parts of America, and for encouraging the fishery, doth amount in the whole to eleven millions seven hundred forty six thousand eight hundred forty four pounds eight shillings and ten pence, or thereabouts; and their present annuity or yearly fund, payable in respect thereof, at the rate of five pounds per centum per annum, doth amount in the whole, to five hundred eighty seven thousand three hundred forty two pounds four shillings and five pence per annum, or thereabouts: now it is hereby further enacted by the authority aforesaid, That the values to be computed at the said rate of twenty years purchase for such of the said annuities by this act computed to amount to six hundred sixty six thousand eight hundred twenty one pounds eight shillings and three pence halfpenny *per annum*, or thereabouts, as shall be taken in, from time to time, by purchases or subscriptions, as aforesaid; and the values to be computed after the said rate of fourteen years purchase for such of the said annuities, by this act computed to amount to eighty one thousand pounds *per annum*, or thereabouts, as shall from time to time be taken in by purchases or subscriptions, as aforesaid; and the values to be computed at the like rate of fourteen years purchase for such of the said lottery-annuities, by this act computed to amount to forty six thousand two hundred and sixty pounds six shillings and one penny *per annum*, or thereabouts, as shall from time to time be likewise taken in by purchases or subscriptions, as aforesaid; and the values to be computed after the said rate of one hundred pounds for every one hundred pounds of the said redeemable debts and incumbrances, by this act computed to amount to sixteen millions five hundred forty six thousand four hundred eighty two pounds seven shillings and one penny farthing, or thereabouts, which shall from time to time, as the said several annuities, debts and incumbrances respectively shall be taken in or paid off, and as the said respective values shall be specified in the entries which shall have been made in the said books of the said managers and directors, to be appointed in pursuance of this act, shall be added and united to the present capital or joint stock of the same governor and company; and that every member of that corporation (as well those to be incorporated into the same by virtue of this act, as all other members thereof) shall have credit in the books of the same corporation for his, her or their proportion or share of and in the whole capital or joint stock of the same corporation so increased, from time to time, and of and in all the dividends, profits and advantages whatsoever, to attend the same, from and after their being taken into the said capital stock; and that the same governor and company, and their successors, for every addition which shall be made to their said capital stock, pursuant to this act (except the additions which are to be made thereunto in respect of the sums before in this act computed to amount to three millions fifty one thousand five hundred and one pounds fifteen shillings and nine pence halfpenny, and one million seven hundred and fifteen thousand three hundred and twenty pounds, in all to four millions

The values, to be computed at the rate of 20 years purchase, 14 years purchase, and cent. per cent. as the same shall be taken in or paid off, shall be added to the capital stock, &c.

And the company for every addition to their capital shall have an addition to their annuity of 5l. per cent. except the additions at 4l. per cent.

lions seven hundred sixty six thousand eight hundred twenty one pounds fifteen shillings and nine pence halfpenny, or thereabouts, for which annuities or interest after the rate of four pounds *per centum per annum* are now payable, as is above mentioned) shall have, receive and enjoy, and be entitled by virtue of this act, to have, receive and enjoy an addition and additions to their said annuity or yearly fund, after the rate of five pounds *per centum per annum*, until and for the feast of the nativity of *St. John Baptist* which shall be in the year of our Lord one thousand seven hundred and twenty seven, and from thenceforth after the rate of four pounds *per centum per annum*, till redemption by parliament, according to the tenor and true meaning of this present act (it being intended that from and after the said feast of the nativity of *St. John Baptist* one thousand seven hundred and twenty seven, the said rate of five pounds *per centum per annum* shall be certainly and actually reduced to the said rate of four pounds *per centum per annum*, until such redemption;) and for every addition which shall be made to their capital stock, pursuant to this act, for or in respect of the said sums computed to amount in the whole to the said sum of four millions seven hundred sixty six thousand eight hundred twenty one pounds fifteen shillings and nine pence halfpenny, or thereabouts, the same governor and company, and their successors, shall have, receive and enjoy, and be intitled by virtue of this act to have, receive and enjoy an addition and additions to their said annuity or yearly fund after the rate of four pounds *per centum per annum*, until and for the said feast of the nativity of *St. John Baptist*, which shall be in the year of our Lord one thousand seven hundred and twenty seven, and from thenceforth after the same rate of four pounds *per centum per annum*, until redemption by parliament as aforeaid.

Interest to be at 5l. per cent. till 24 June 1727. and after at 4l. per cent.

XXXI. And be it further enacted by the authority aforeaid, That the addition and additions to be made to the present annuity of the said governor and company of merchants of *Great Britain*, for or in respect of the annuities, debts and incumbrances, which shall be taken in, or paid off by them in pursuance of this act, shall commence from the quarterly feast day, or half-yearly feast-day, on which the annuities or interest-money, for or in respect of such annuities, debts and incumbrances, so taken in or paid off, are payable, and which shall last precede such payment or subscription thereof respectively, except the additions to be made for taking in the said lottery annuities of the year one thousand seven hundred and ten, for which the proportional annuity of the same company is to commence from *Michaelmas* one thousand seven hundred and nineteen, as aforeaid.

When the additions shall commence.

Treasury on receiving the duplicates, shall determine the said additions to the company's capital.

XXXII. And it is hereby enacted, That the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, from time to time, as he or they shall receive the said accounts or duplicates thereof from the said managers and directors to be constituted by virtue of this act, or such of them; as aforeaid, shall by an instrument or instruments in writing under his or their hands and seals, de-

clare

clare, settle and determine, not only every such addition so to be made to the capital or joint stock of the said governor and company, according to the respective rates or values which shall have been specified in the said accounts or duplicates thereof so transmitted, but also the several additions which shall, from time to time, be made to their annuity or yearly fund, in respect of such their additional stock, as aforesaid, and likewise the times from which the said additions to be made to their annuity or yearly fund shall commence or have relation in point of payment, according to the respective times of taking in or paying off the said annuities and debts respectively, by this act directed to be specified in the same accounts or duplicates, as aforesaid, and according to the purport and true meaning of this act; and that every member of the same corporation (as well those to be incorporated into the same by virtue of this act, as all other members thereof) in proportion to their respective shares in the capital stock so increased, shall have credit in the books of the same corporation, for his, her, or their share or proportion of and in the whole capital stock so increased from time to time.

Every member, in proportion to his shares, shall have credit in the company's books.

The increased annuity shall grow due quarterly out of the monies so arise by the duties chargeable therewith.

XXXIII. And be it further enacted by the authority aforesaid, That the said annuity or yearly fund now payable to the same governor and company after the rate of five pounds *per centum per annum*, from the time to which it was last paid at the exchequer, until and for the said feast of the nativity of *St. John Baptist* which shall be in the year of our Lord one thousand seven hundred and twenty seven, and from thenceforth at the said rate of four pounds *per centum per annum*, until redemption by parliament, according to this act, shall grow and be accounted due quarterly, as the same now is, at the four most usual feasts in the year, by equal portions (nevertheless to be satisfied by weekly or other payments, as is herein after mentioned) to the same governor and company, and their successors, out of the monies arisen and to arise into the said exchequer, of or for the particular duties, revenues, funds, and other provisions now charged or chargeable with the same annuity or yearly fund, now payable after the said rate of five pounds *per centum per annum*, or appropriated for payment thereof by any act or acts of parliament now in force; and that the several additions to be made to the same annuity or yearly fund of the same governor and company by virtue of this act, as fast as the same additions respectively shall be settled and determined, as aforesaid, shall be computed and paid from the respective commencements thereof according to this act, and shall grow and be accounted due to them and their successors quarterly, at the four most usual feasts aforesaid, by equal portions, at the several rates by this act prescribed, until and for the said feast of the nativity of *St. John Baptist* one thousand seven hundred twenty seven; and from and after the same feast-day at the said rate of four pounds *per centum per annum*, until redemption by parliament, according to this act (nevertheless to be satisfied by weekly or other payments, as is herein after mentioned;) and all and every the same additional

tional annuities or yearly funds shall be charged and chargeable upon, and be paid and payable out of the monies arisen or to arise at the said receipt of exchequer, of or for the particular duties, revenues, funds, and other provisions respectively, which were charged with payment of the respective annuities or debts so taken in or paid off, as aforesaid, or were appropriated for payment thereof, and in case the said particular duties or revenues, or any of them, are temporary, or were imposed only for a term or terms of years, which may end or determine before the redemption of the additional annuity or annuities intended to be charged thereupon by virtue of this act, then and in all and every such case and cases every such additional annuity, until the redemption thereof by parliament, according to this act shall be charged upon, and be payable out of the same or the like particular duties and revenues by this act continued and granted to his Majesty, his heirs and successors for ever, which are hereby declared to be a further security for payment of the same.

The temporary duties continued for ever.

XXXIV. *And whereas the said governor and company of merchants of Great Britain, are already entitled, by virtue of former acts of parliament in that behalf, to several yearly sums, amounting to nine thousand three hundred ninety seven pounds nine shillings and six pence per annum, for charges of management, and it is intended that they, and their successors, shall have a further allowance for charges of management of so much as it now costs the publick for the annual charge of paying, assigning, and accounting for the annuities and debts by this act intended to be taken in or paid off, or so much of them as shall be actually taken in or paid off, pursuant to this act:* be it therefore enacted by the authority aforesaid, That the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, shall with all convenient speed cause an account or estimate to be taken and made up of the whole annual cost to the publick, of paying, assigning, and accounting for all the annuities and debts of what kind soever, computed or specified in this act, as aforesaid, (whether they shall or shall not be all taken in or paid off) and upon his or their receiving the above mentioned accounts, or duplicates thereof, from the said managers and directors to be constituted in pursuance of this act, from time to time, shall compute and allow, and cause to be computed and allowed to the same governor and company, a proportion of the said costs for the annuities and debts then appearing to be actually taken in or paid off; that is to say, as the sum of eleven millions seven hundred forty six thousand eight hundred forty four pounds eight shillings and ten pence (being their present capital stock) is to the said yearly sum of nine thousand three hundred ninety seven pounds nine shillings and six pence, (being their present allowance for management) so the stock which they are to have for the annuities and debts by every such account or duplicate thereof, appearing to be taken in or paid off, shall be to the proportional sum which shall be allowed to the same corporation towards their charges,

A proportional addition to be made to the company's present allowance for charges of management.

so as all the proportional sums last mentioned do not exceed the whole of one year's cost for paying, assigning, and accounting for all the annuities and debts before mentioned; and the proportional sums so to be allowed, shall from time to time be specified in the said respective instruments, under the hands and seals of the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, and shall respectively commence from the respective time or times at which the to be increased annuity and annuities to the same governor and company, or the proportional parts thereof, shall commence in pursuance of this act.

The 9397 l. 9s. 6d. per annum, and further sums for charges, to be paid to the company as their present annuities, &c. are payable till redeemed.

XXXV. And it is hereby enacted, That the said sums amounting to nine thousand three hundred ninety seven pounds nine shillings and six pence *per annum*, and such further sums for charges of management (when and as they shall be added thereunto) shall from time to time be paid and payable to the said governor and company of merchants of *Great Britain*, and their successors, at such times, and in such manner and form as their present annuity or yearly fund, and the said additions to be made thereunto, as aforesaid, are by this act appointed to be paid and payable, till the same annuities and yearly funds shall be redeemed according to this act; and that as well the said sums amounting to nine thousand three hundred ninety seven pounds nine shillings and six pence *per annum*, as the said further sums to be allowed for charges of management, shall be charged upon and payable out of the particular duties, revenues and incomes by this act charged or intended to be charged to and with the payment of the said present annuity or yearly fund of the same governor and company, and of the said several additions to be made thereunto, as aforesaid; any thing in this or any former act or acts of parliament contained to the contrary notwithstanding.

All the duties and revenues charged with the company's yearly fund, &c. to be brought into the exchequer,

XXXVI. And for better securing to the said governor and company of merchants of *Great Britain*, and their successors, all the payments intended to be made to them, by virtue or in pursuance of this act: be it further enacted by the authority aforesaid, That all and every the above mentioned duties and revenues whatsoever by this act charged or intended to be charged to or with the payment of the annuity or yearly fund of the same governor and company, and the additions to be made thereunto, as aforesaid, and to or with the payment of the said yearly sum of nine thousand three hundred ninety seven pounds nine shillings and six pence, and the additions for charges of management to be made thereunto, as aforesaid, (whether the same duties or revenues, or any of them, be such as were granted in perpetuity by any former act or acts of parliament, or be continued in perpetuity by virtue of this act) shall from time to time be raised, levied and collected, and all the monies arising thereby (except the necessary charges of raising, collecting, levying and paying the same into the exchequer in *England*) shall from time to time be brought and paid into the same exchequer

according to the directions of the former acts,

by

by and according to the rules, methods and directions, and with such drawbacks, repayments and allowances, and under such penalties, forfeitures and disabilities, as are prescribed by the said former act or acts of parliament respectively, or referred unto by this act, for raising, levying, collecting or bringing in the same, as fully and effectually, as if the same rules, methods, directions, drawbacks, repayments, allowances, penalties, forfeitures and disabilities, and every of them, were in and by this act particularly repeated and re-enacted; and that all the monies which shall be so brought into the said receipt, from time to time, of or for the said duties and revenues respectively, shall be fairly and distinctly entred and registred in one or more book or books to be kept in the offices of the auditor of the said receipt, and clerk of the pells severally for that purpose, to which all persons concerned at all seasonable times shall have free access without fee or charge.

XXXVII. And it is hereby also enacted, That the said auditor of the receipt and clerk of the pells for the time being shall severally keep one other book, in which shall be entred distinctly and separately so much or such proportions of the said monies so coming from time to time into the said receipt of exchequer, as by the tenor and true meaning of this act shall be applicable or ought to be applied for or towards the payment of the said present annuity or yearly fund of the same governor and company, and the additions to be made thereunto as aforesaid, at the respective rates before-mentioned, and for or towards the payment of their said yearly sum of nine thousand three hundred ninety seven pounds nine shillings and six pence for charges of management, and the additions to be made thereunto as aforesaid, until such redemption as aforesaid; which monies for that purpose shall be kept apart from all other monies whatsoever payable into the said receipt.

XXXVIII. And it is hereby also enacted and declared by the authority aforesaid, That all the monies which shall or ought to be so separated and kept apart for the said purposes in this act expressed, shall be and are hereby appropriated, and shall from time to time be issued and applied to and for the payment and satisfaction of such sum and sums of money as, according to the tenor and true meaning of this act, shall from time to time be due or payable to the said governor and company of merchants of Great Britain, or their successors (subject nevertheless to such reduction and redemption, as are in and by this act prescribed touching the same) and to none other use, intent or purpose whatsoever; and that the respective officers in the exchequer, who shall make any wilful delay in issuing or paying the same, or shall be guilty of diverting or misapplying any of the said monies contrary to this act, for any such offence shall be forejudged of their respective offices or places, and be rendred incapable to serve his Majesty, his heirs or successors, in any office or employment of trust or profit whatsoever, and shall also be liable to pay double the value of any sum or sums of money so wilfully

to be entred in books of the auditor of the receipt and clerk of the pells.

One other book to enter distinctly so much of the monies as ought to be applied to the company's yearly fund and the additions to be made thereto, and for charges of management.

The monies to be kept apart and appropriated for that use.

Penalty on officers of the exchequer misapplying the money.

ly delayed to be paid, or so diverted or misapplied as aforesaid, to the said governor and company of merchants of *Great Britain*, and their successors, to be recovered by action of debt or on the case, bill, suit or information in any of his Majesty's courts of record in *Westminster*, wherein no essoin, protection, wager of law, or more than one imparlance shall be granted or allowed.

Orders to be signed by the treasury for making payments to the company.

XXXIX. And for the better and more regular payment of all the monies intended by this act to be paid to the said governor and company of merchants of *Great Britain*, and their successors, at the different rates and in such manner as aforesaid, (subject nevertheless to such reduction and redemption as are by this act provided concerning the same) an order or orders shall from time to time be made forth and signed by the commissioners of the treasury, or any three or more of them, or by the high treasurer for the time being; and after signing thereof the same shall be good, firm, valid and effectual in the law, according to the purport and true meaning thereof and of this act, and shall not be determinable by or upon the death or removal of any commissioner or commissioners of the treasury, or high treasurer for the time being, or by or upon the death or determination of the power, office or offices of them or any of them; nor shall any commissioners of the treasury, high treasurer or under treasurer for the time being have power to revoke, countermand or make void such order or orders so made forth and signed as aforesaid.

Weekly issues to be made at the exchequer.

XL. And for the more speedy payment of the monies which shall be due and payable to the same governor and company, or their successors thereupon: it is hereby further enacted and declared by the authority aforesaid, That weekly or otherwise, as the monies appointed or intended by this act to be applied for or towards the said payments to grow due to them as aforesaid, shall from time to time be brought into the receipt of the exchequer, and shall or ought to be set apart for that purpose as aforesaid, such monies shall and may, from time to time, be issued upon such order or orders for or towards discharging the said annuity or yearly fund of the same governor and company, and the said additions to be made thereunto; and for or towards the payment of the said yearly sum of nine thousand three hundred ninety seven pounds nine shillings and six pence; and the said further allowances for charges of management to grow due at the end of that quarter of a year in which such issues or payments shall be made; so as such weekly or other payments do not exceed the sums which shall grow due for or at the end of such quarter respectively.

Deficiency to be made good out of the overplus in any subsequent quarter.

XLI. And be it further enacted by the authority aforesaid, That if at any time or times the monies which shall be brought into the exchequer, and be set apart as aforesaid, for making the payments by this act appointed and intended to be made to the said governor and company of merchants of *Great Britain*, and their successors as aforesaid (which monies are by this act appropriated for or towards that use and purpose) shall not be sufficient

sufficient to pay and discharge or compleat the payment at the end of any quarter of a year of all the monies which shall be then due for or upon their said present annuity or yearly fund, and the said additions to be made thereunto, and for or upon the said yearly sum of nine thousand three hundred ninety seven pounds nine shillings and six pence for charges of management, and the additions to be made to the same as aforesaid, then and so often and in every such case, the deficiency of any such quarter shall and may be supplied out of the overplus monies to arise and to be set apart as aforesaid in any subsequent quarter.

XLII. Provided always, and it is hereby enacted by the authority aforesaid, That such of the said annuities and debts as shall not be taken in by purchase or subscription, or be paid off by or in pursuance of this act, and the interest-monies payable for the same debts, shall severally continue to be paid and shall be payable to the respective proprietors thereof, their executors, administrators, successors and assigns, at the same respective offices and places, and out of the same duties, revenues and incomes, and at such time and times, and shall be assignable, transferrable and disposeable in the same manner and form as those annuities and debts, or the interest of such debts, are now payable, assignable, transferrable or disposeable by the respective acts or statutes now in force concerning the same, and as if this present act had never been made: and that this act, or any clause, matter or thing therein contained, shall not extend or be construed to interrupt, delay or prejudice, at any time before or after the said first day of *March* one thousand seven hundred and twenty one, the receiving, assigning, transferring or disposing the said annuities or debts, or the interest of such debts not taken in or paid off by virtue of this act as aforesaid, in any manner of wise; any thing herein contained to the contrary notwithstanding (except as is herein before otherwise provided and directed, relating to the stopping or delaying the assigning and transferring the annuities or shares in stock for the same, now transferrable at the publick office of the bank of *England*).

XLIII. And as to such of the above-mentioned annuities and debts at interest, as at any time or times before the said first day of *March* one thousand seven hundred twenty one shall actually be taken in by purchase or subscription, or be paid off by or in pursuance of this act or any of the clauses therein contained; it is hereby further provided and enacted by the authority aforesaid, That the respective proprietors thereof, their executors, administrators, successors and assigns, at the same respective offices and places, and out of the same duties, revenues and incomes as are now severally charged with the payment of the said annuities and debts respectively, shall be satisfied and paid all the arrearages of the said annuities and interest-monies (the arrearages on the said lottery-annuities for the year one thousand seven hundred and ten only excepted) until and for the quarterly feast-day or half-yearly feast-day on which such annuity or interest-money respectively were payable, and which shall last precede

Annuities not taken in shall continue to be paid at the former offices,

and shall be transferrable, &c. as if this act had not been made.

Annuities taken in before 1 March 1721, to be paid their arrears to the days of taking in.

Exceptions

cede

Managers to certify the times of taking in, to the several offices.

cede the days and times of taking in the said annuities and debts respectively; or paying them off pursuant to this act. And to the end the days or times of taking in or paying off as aforesaid the principal monies for which the said annuities or interest-monies were payable, may certainly be known, and for preventing frauds relating thereunto, the said managers and directors to be constituted by virtue of this act as aforesaid, or three or more of them, from time to time, as soon as conveniently may be, after any principal sum for which any annuity or interest is now payable, shall be actually taken in or paid off as aforesaid, shall certify the time of taking in or paying off the same, in manner following; that is to say, so much thereof as imported the payment of any annuity or interest at the exchequer, shall be so certified to the auditor of that receipt for the time being, so much thereof as imported the payment of any annuities by the said cashier of the bank of *England*, or attended stock for the same, shall be certified to the accountant general in the office of the said bank for the time being; and so much thereof as imported the payment of any the said annuities or interest-monies in any other of the particular offices now in being, shall be certified to the comptrollers belonging to those offices respectively; which said auditor of the receipt, accountant general and comptrollers respectively are hereby strictly enjoined and required to take especial care, that after the payment of such arrears no further payments be made of the annuities or interest-monies of the said annuities or debts so taken in or paid off, or of any interest-money for the same, or that any assignments or transfers be afterwards made thereof, or of any part thereof, in their said respective offices, whereby the publick may be liable to be injured by a double payment; any thing in this or in any other act of parliament whatsoever to the contrary notwithstanding.

South-Sea company shall pay into the exchequer, towards discharging national debts incurred before 25 Dec. 1716, 4,256,306 l. 4s. 11 d.

XLIV. *And whereas the corporation of the said governor and company of merchants of Great Britain are willing, in consideration of the liberty by this act given them of increasing their capital stock and their annuity or yearly fund in respect of the same as aforesaid, by taking in or paying off all and every or any of the said redeemable debts and incumbrances in this act before computed to amount to sixteen millions five hundred forty six thousand four hundred eighty two pounds seven shillings and one penny farthing, or thereabouts, to pay the full and intire sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence of good and lawful money of Great Britain, into the receipt of the exchequer, to be applied towards discharging the principal and interest of such national debts and incumbrances as were incurred before the twenty fifth day of December one thousand seven hundred and sixteen, declared to be national debts, and provided for by acts of parliament: be it further enacted by the authority aforesaid, That the same corporation shall pay into the receipt of the exchequer, for the purposes last-mentioned, the said sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence,*

pence, without any deduction defalcation or abatement whatsoever for any cause, matter or thing whatsoever; the same to be paid by such proportions and at such times as are herein after appointed for payment thereof; that is to say, one full and equal fourth part thereof on or before the feast of the annunciation of the blessed Virgin *Mary* which shall be in the year of our Lord one thousand seven hundred and twenty one; one other full and equal fourth part thereof on or before the feast of the nativity of Saint *John* the Baptist which shall be in the said year of our Lord one thousand seven hundred twenty one; one other full and equal fourth part thereof on or before the feast of Saint *Michael* the Archangel which shall be in the said year of our Lord one thousand seven hundred twenty one; and the remaining fourth part of the said sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, and in full payment thereof, on or before the feast of the birth of our Lord Christ which shall be in the said year of our Lord one thousand seven hundred twenty one.

Times of pay-
ment.
7Geo. 1. stat. 2.
9 Geo. 1. c. 6.

XLV. And whereas the said corporation of the governer and company of merchants of Great Britain, in consideration of the increase which, by virtue of this act, will be made as aforesaid of their capital stock and annuity or yearly fund before-mentioned, by taking in by purchase or subscription at prices to be mutually agreed on with the proprietors as aforesaid, the said annuities for the aforesaid remainders of the said several terms of ninety six years, eighty nine years, ninety nine years and thirty two years, or such estates and interests therein as will compleatly make up the said several remainders of the said several terms, which shall be to come and unexpired at the respective times of taking in the same annuities respectively, are willing to pay such further sum and sums of good and lawful money of Great Britain, as the annuities so purchased, or so many of them as shall be actually purchased and taken in within the time aforesaid, shall amount unto at the rate of four years and an half's purchase; that is to say, at the rate of four hundred and fifty pounds for every such annuity, amounting to one hundred pounds per annum, and proportionably for any such greater or lesser annuities, which shall be taken in for the said remainders of the said terms of years respectively; the money so arising to be also applied towards the discharging the principal and interest of the said national debts and incumbrances which were incurred before the said twenty fifth day of December one thousand seven hundred and sixteen: be it further enacted by the authority aforesaid, That the same corporation shall pay into the said receipt of the exchequer, for the purpose aforesaid, and without any deduction, defalcation or abatement whatsoever, such further sums of good and lawful money of Great Britain, as the said rate of four years and an half's purchase shall amount unto, upon all such of the annuities last mentioned as shall be actually taken in by purchase or subscriptions pursuant to this act, on or before the said first day of *March* one thousand seven hundred and twenty one; the said sums, after the said rate of four years and an half's purchase, to be paid into the said exchequer by four equal quarterly payments, as is herein after men-

South-Sea
company shall
pay into the
exchequer
four years and
a half's pur-
chase upon
the long an-
nuities that
shall be so ac-
tually taken
in.

7Geo. 1. stat. 2.

Times of pay-
ment.

mentioned; that is to say, one full and equal fourth part thereof on or before the feast of the annunciation of the blessed Virgin *Mary* which shall be in the year of our Lord one thousand seven hundred and twenty two; one other full and equal fourth part thereof on or before the feast of the nativity of *St. John Baptist* which shall be in the said year of our Lord one thousand seven hundred and twenty two; one other full and equal fourth part thereof on or before the feast of *St. Michael* the archangel which shall be in the said year of our Lord one thousand seven hundred and twenty two; and the remaining full and equal fourth part thereof on or before the feast of the birth of our Lord *Christ* which shall be in the said year of our Lord one thousand seven hundred and twenty two, in full payment and satisfaction of the said sums, to be computed after the said rate of four years and an half's purchase.

Company to
pay one year's
purchase for
such of the
long annuities
as shall not
be taken in.

XLVI. *And whereas the said corporation of the said governor and company of merchants of Great Britain, to manifest their sincere intention of using their best endeavours to take in, by purchase or subscription, and at prices to be mutually agreed upon, as aforesaid, the said annuities now payable for and during the said residuary terms of ninety six years, eighty nine years, and ninety nine years, or such estates or interests therein as shall compleatly make up the remainders of the said terms of ninety six years, eighty-nine years, and ninety-nine years, which shall be to come and unexpired at the respective times of taking in the same, are willing to pay such further sum and sums of good and lawful money of Great Britain, as the rate of one year's purchase to be computed upon such of the annuities last-mentioned, as shall not be actually purchased and be taken in within the time limited, shall amount unto; that is to say, one hundred pounds for every such annuity, amounting to one hundred pounds per annum, and proportionally for every such greater or lesser annuity, which shall not be so taken in, by purchase or subscription, within the time before limited; the monies so arising to be also applied towards the discharging the principal and interest of the said national debts and incumbrances which were incurred before the said twenty-fifth day of December one thousand seven hundred and sixteen: be it further enacted by the authority aforesaid, That the same corporation shall pay into the said receipt of the exchequer for the purpose aforesaid, and without any deduction, defalcation or abatement whatsoever, such further sums of good and lawful money of Great Britain, as the said rate of one year's purchase shall amount unto, upon all such of the annuities last mentioned, as shall not be actually taken in by purchase or subscription pursuant to this act, on or before the said first day of *March* one thousand seven hundred and twenty one; the said sums after the said rate of one year's purchase to be paid into the said exchequer, at such times and by such proportions as are herein after mentioned; that is to say, one full and equal fourth part thereof, on or before the feast of the annunciation of the blessed Virgin *Mary* which shall be in the year of our Lord one thousand seven hundred and twenty two; one other full and equal fourth part thereof on or before the*

Times of pay-
ment.

the

the feaft of the nativity of St. *John* the Baptift which fhall be in the faid year of our Lord one thoufand feven hundred and twenty two; one other full and equal fourth part thereof on or before the feaft of St. *Michael* the Archangel which fhall be in the faid year of our Lord one thoufand feven hundred and twenty two; and the remaining full and equal fourth part thereof on or before the feaft of the birth of our Lord Chrift which fhall be in the faid year of our Lord one thoufand feven hundred and twenty two, in full payment and fatisfaction of the faid fums to be computed after the faid rate of one year's purchafe.

XLVII. And be it further enacted by the authority aforefaid, That in cafe the faid corporation fhall make failure in payment of the faid fum of four millions one hundred fifty fix thoufand three hundred and fix pounds four fhillings and eleven pence, or any part thereof, or of the faid fums to be paid after the faid rate of four years and an half's purchafe, or of the faid fums to be paid after the faid rate of one year's purchafe, or any of them, or any part thereof, at the refpective times herein before limited for payment thereof, or any of them, contrary to the true meaning of this act, then and in every or any fuch cafe and cafes, the money whereof fuch failure in payment fhall be made fhall and may be recovered in his Majesty's name for the purpofe before-mentioned, by action of debt, or upon the cafe, bill, fuit or information, in any of his Majesty's courts of record at *Westminfter*, wherein no effoin, protection, privilege or wager of law fhall be allowed, or more than one imparlance, in which action, bill, fuit or information, it fhall be lawful to declare that the governor and company of merchants of *Great Britain* trading to the *South Seas* and other parts of *America*, and for encouraging the fifhery, are indebted to the King's majesty the money of which they fhall have made default in payment, according to the form of this ftatute, and have not paid the fame, which fhall be fufficient; and in or upon fuch action, bill, fuit or information, there fhall be further recovered for the purpofe aforefaid againft the defendants, damage after the rate of five pounds *per centum per annum*, for the monies fo unpaid contrary to this act, and the faid corporation and their ftock and funds fhall be and are hereby made fubject and liable thereunto.

XLVIII. And for the better enabling the faid governor and company of merchants of *Great Britain*, and their fucceffors, to raife money to be paid, for or in part of the faid fum of four millions one hundred fifty fix thoufand three hundred and fix pounds four fhillings and eleven pence, or for or in part of the faid fums to be paid after the faid rates of four years and an half's purchafe and one year's purchafe refpectively, or for purchafing or paying off all or any the annuities and debts to be taken in or paid off in purfuance of this act, or for exchanging for ready money the new exchequer-bills to be made forth, as hereafter in this act is mentioned, or for defraying the intereft thereof, or for carrying on their trade and other neceffary occafions: be it further enacted by the authority aforefaid, That it fhall and may be it further enacted by the authority aforefaid, That it fhall and may

money from
their mem-
bers,

or open books
of subscrip-
tion, or grant
annuities, &c.

Executors, &c.
to pay.

Members not
paying, their
stock to be
stopped, &c.

may be lawful to and for the said governor and company of merchants of *Great Britain*, and their successors, from time to time, as they shall see cause, to call in or direct to be paid from and by their respective members for the time being, proportionably according to their respective interests in the capital stock or stocks which do or shall belong to the said governor and company of merchants of *Great Britain*, and which shall be increased, as aforesaid, or by opening books of subscriptions, or by granting annuities redeemable by the same governor and company, and their successors, or by any other method, ways and means as they shall think proper, to raise any sum or sums of money, as in a general court of the same governor and company shall from time to time be judged necessary, and ordered to be called in or raised; and that all executors, administrators, guardians, trustees and mortgagees, shall be indemnified in paying, and are hereby impowered to pay in their respective proportions of the money so called in or raised; and in case any such member or members shall refuse or neglect to pay his, her or their share of the said money so called for at the time or times appointed for that purpose, by notice inserted in the *London Gazette*, and fixed upon the *Royal Exchange* in *London*, it shall and may be lawful to and for the said governor and company of merchants of *Great Britain*, and their successors, not only to stop the share, dividend, annuity and profits, which shall from time to time become payable to such member or members so neglecting or refusing, of the funds, stocks, annuities or profits of the said governor and company of merchants of *Great Britain*, and to apply the same, from time to time, for or towards payment of the share of the money so called for, and which ought to have been paid by such member or members so neglecting or refusing, until the same shall be satisfied, but also to stop the transfers or assignments of the share and shares of every such defaulter and defaulters, and to charge such defaulter and defaulters with interest, after the rate of five pounds *per centum per annum*, for the money so by him, her or them omitted to be paid, from the time the same was appointed to be paid until the payment thereof; and that the share and stock, shares and stocks of such defaulter and defaulters shall be liable to make good and answer the said monies so appointed to be paid, and the interest thereof, as aforesaid; and in case the principal and interest, as aforesaid, shall be unpaid by the space of three months, then the said governor and company of merchants of *Great Britain*, or their successors, or their court of directors for the time being, shall have power to authorize such person or persons, as they shall think fit, to sell, assign and transfer so much of the said stock or stocks of such defaulter or defaulters as will satisfy and pay the same, rendering the overplus (if any be) to the proprietor: and the said governor and company of merchants of *Great Britain*, or their successors, in a general court, from time to time, when they shall judge their affairs will admit thereof, shall or may cause any sum or sums of money which shall be so called in, or
any

any part thereof, to be divided and distributed to and amongst the then members of that corporation, according and in proportion to their respective interests in the capital stock or stocks of the same; any former law or statute, restriction, or other matter or thing whatsoever to the contrary notwithstanding.

XLIX. And for better enabling the said governor and company of merchants of *Great Britain*, and their successors, to raise money to be advanced for or in part of the said sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, or for or in part of the said sums to be paid after the said rates of four years and an half's purchase, and one year's purchase respectively, or for purchasing or paying off all or any the annuities and debts to be taken in or paid off, in pursuance of this act, or for exchanging the new exchequer-bills to be made forth by this act, or to defray the interest thereof, or for carrying on their trade, and other necessary occasions: it is also hereby enacted by the authority aforesaid, That it shall and may be lawful to and for the said governor and company of merchants of *Great Britain*, and their successors, from time to time (in case they shall think fit) to borrow or take up money upon any contracts, bills, bonds or obligations under their common seal, or upon credit of their capital stock or stocks, to be increased, as aforesaid, or any part thereof, at such rate or rates of interest, for any time not less than six months from the borrowing thereof, as they shall think fit, and to give security under their common seal, or by assigning or transferring their stock or stocks, or any part thereof, or otherwise, as shall be to the satisfaction of the lenders respectively.

Company may borrow money under their common seal, or on credit of their capital stock, for any time not less than six months.

L. And be it further enacted, That all bonds or obligations under the common seal of the said company shall charge as well the annuity or annual fund and additional annuities or annual funds payable to the said company by virtue of this act, as the present and additional stocks and other effects and estates of the said company for the time being; and that all such bonds and obligations shall be assignable, and the monies thereupon shall be recoverable as effectually, and in as ample manner and form as any their bonds taken upon any former act might be assigned, or the money due thereupon might be recovered.

All bonds, &c. shall charge the additional fund and effects of the company, and be assignable and recoverable as former bonds.

LI. And be it enacted by the authority aforesaid, That all such contracts, bills, bonds, obligations or securities under the common seal of the said corporation shall not be chargeable with any the duties upon stamp vellum, parchment or paper; any law or statute made or to be made to the contrary notwithstanding.

Securities not chargeable with stamp-duties.

LII. And it is hereby enacted by the authority aforesaid, That so much money as shall be called for by the said governor and company of merchants of *Great Britain* from their respective members, for or towards any the purposes before-mentioned; shall (if the said governor and company think proper) be deemed an additional stock of the said governor and company,

The money called in shall be an additional stock of the company, &c.

and shall be written into the books of the said company, and each member thereof shall have credit in the said books for his or her proportion or share thereof; and that the members of the said company, who shall have a share or interest in the stock or additional stock of the same company, shall or may assign and transfer the same in the books of the same company, in such or the like method, manner and form as are prescribed by the act or acts of parliament and charter now in force, for assignments or transfers of original stock to be made in the books of the same company; or may dispose or devise the same, or any part thereof, by will, in such manner and form as any share in the original stock of the same company is deviseable; nevertheless the same governor and company, or their successors, in respect of such stock which shall or may be so added or written in their books, to enable them to make the said payments into the exchequer, or other the purposes aforesaid, shall not be entitled to any increase of their annuity or yearly fund to be paid out of the public duties, revenues or incomes above-mentioned, or any of them; any thing herein contained to the contrary notwithstanding.

But shall not increase their yearly fund.

The capital and increased yearly fund shall be deemed a personal estate, and go to executors, and not liable to foreign attachment.

LIII. And be it further enacted by the authority aforesaid, That the said present capital stock of eleven millions seven hundred forty six thousand eight hundred forty four pounds eight shillings and ten pence, and the additions to be made thereunto by virtue of this act, and the said annuity or yearly fund of five hundred eighty seven thousand three hundred forty two pounds four shillings and five pence, and the additions to be made thereunto by virtue of this act, and the said yearly sum of nine thousand three hundred ninety seven pounds nine shillings and six pence, for charges of management, and the additions to be made thereunto by virtue of this act, and the share and interest of each and every particular member of and in the same capital stock, and the same additions to be made thereunto, and of and in the said annuity or yearly fund of five hundred eighty seven thousand three hundred forty two pounds four shillings and five pence, and the same additions to be made thereunto, and of and in the said yearly sum of nine thousand three hundred ninety seven pounds nine shillings and six pence, for charges of management, and the additions to be made thereunto, and every of them, shall be and be adjudged, taken and accepted in construction of law, and in all courts of law and equity whatsoever, to be a personal and not a real estate, and shall go to the executors or administrators of the person or persons dying and possessed thereof, interested therein or entitled thereunto, and not to the heirs of such person or persons, and shall not be liable to any foreign attachments by the custom of the city of *London*, or otherwise; any law, custom or usage to the contrary notwithstanding.

Members may transfer their stocks,

LIV. And it is hereby enacted by the authority aforesaid, That the respective members of the same corporation, who shall have a share or interest in the present capital stock or the increased

stock thereof; shall and may assign and transfer such his, her or their share or interest, or any part thereof (except as is otherwise provided in this act) in the books of the said corporation, in such manner and form as are prescribed by the act or acts of parliament and charter now in force; or shall or may dispose or devise the same, or any part thereof, by will, in such manner and form as any share in the original stock of the said corporation is capable of being disposed of by will.

7. And be it further enacted by the authority aforesaid, that as well the said present annuity or yearly fund of five hundred and thirty seven thousand three hundred forty two pounds four shillings and five pence, as all the additions which shall be made to the same by virtue of this act; and the said yearly sum of nine hundred and three hundred ninety seven pounds nine shillings and six pence, for charges of management, and all additions to the same made thereto by virtue of this act; and the shares, parts or interests of the several members of and in the same, and of the said present capital stock and increased capital stock of the said company, and of and in the benefit of the same, shall be and are hereby exempted from all taxes, rates or impositions whatsoever by act of parliament or otherwise; and that no person, in respect of his being governor, deputy-governor, director, manager or a member of the same corporation, or for having any stock or share in, or by reason of his being named or acting as a manager, or otherwise, for taking the said subscriptions, or for being in orders and tickets, or for any other matter or thing by him done or performed by or in pursuance of this act shall be now or at any time hereafter disabled from being continuing, or from being elected or serving as a member of the same, nor be liable or subject to any penalty, forfeiture or disability prescribed by any other act or acts of parliament, for not qualifying himself to execute his trust upon or in pursuance of this act, as persons who shall take or execute any office, or be of profit or trust, are subject and liable unto by any of the laws now in force; and that every proprietor of any the annuity debts above-mentioned may, notwithstanding his being proprietor of the said offices or trusts, contract for the price of his annuity or subscribe such annuity or debt in any of the books to be opened and kept as aforesaid, and receive his payment for the same, as if he were not in such office or trust, so as such subscription with him for the price of his annuity be made by the persons intrusted on behalf of the said corporation, and so the said subscription (in case he be a manager) be taken by the said more of the other managers for taking the same subscription; and that no member of the same corporation, in respect

or devise the same by will.

The whole stock, &c. tax-free.

No person, for acting pursuant to this act, disabled from serving in parliament, nor shall incur any penalty for not qualifying himself.

Every proprietor (notwithstanding his being intrusted) may subscribe his annuity, &c.

Not subject to the statute of

bankrupts, or of his share or shares in the said capital or increased capital stock, shall be or be adjudged liable to be a bankrupt, within the intent and meaning of all or any of the statutes made against or concerning bankrupts; and that no stock in the said company shall be subject and liable to any foreign attachment by the custom of the city of *London* or otherwise; any law, statute, usage or custom to the contrary notwithstanding.

The transfers not liable to any higher stamps than now payable.

Counterfeiting the company's seal or bonds, felony.

Corporation shall continue for ever, and shall enjoy their increased funds till the redemption thereof,

and their factories, trade and acquisitions.

LVI. And it is hereby enacted, That the transfers or assignments of the present capital stock or increased stock, in the books of the said company, shall not hereafter be or be made liable to any higher or greater stamp or other duties than are now payable for the same; and that if any person or persons shall forge or counterfeit the common seal of the same company, or shall forge, counterfeit or alter any bond or obligation under the common seal of the same company, or shall offer to dispose of or pay away any such forged, counterfeit or altered bond, knowing the same to be such, or shall demand the money therein contained, or pretended to be due thereon, or any part thereof, of the same company or any of their officers, knowing such bond or obligation to be forged, counterfeited or altered, with intent to defraud the same company or their successors, or any other person or persons whatsoever, every such person or persons so offending, and being convicted thereof in due form of law, shall be guilty of felony, and shall suffer death as a felon, without benefit of clergy.

LVII. And it is hereby declared and enacted by the authority aforesaid, That the said governor and company of merchants of *Great Britain*, and their successors for ever, shall remain, continue and be one body corporate and politick, by the name of the governor and company of merchants of *Great Britain* trading to the *South-Seas* and other parts of *America*, and for encouraging the fishery, and shall have, hold, receive and enjoy the said annuity or yearly fund of five hundred eighty seven thousand three hundred forty two pounds four shillings and five pence, and the said annuities or yearly funds which, pursuant to this act, shall or ought to be added thereunto by way of increase as aforesaid, and the said yearly sum of nine thousand three hundred ninety seven pounds nine shillings and six pence, and the said yearly sums to be added thereunto (by way of increase for management) pursuant to this act, until the said annuities and yearly funds, and the said yearly sums respectively shall be redeemed according to this act, and shall have, hold and enjoy for ever all their forts, factories, acquisitions, lands, tenements, hereditaments, sole benefit of trade in and to the *South-Seas* and elsewhere, with a perpetual succession, and all abilities, capacities, powers, authorities, franchises, exemptions, privileges, profits and advantages whatsoever, whereunto the same governor and company are or before the making of this act were entitled by any act or acts of parliament, grant or charter now in force (all which are by this act ratified, confirmed and made effectual to them and their successors) freed and discharged of and

and from all former provisos, powers, acts, matters and things whatsoever, for redeeming, determining or making void the same, or any of them, subject nevertheless to the provisos and powers herein after contained for redeeming the said present annuity and yearly fund of the same governor and company, and all additions to be made thereunto, and the said yearly sum of nine thousand three hundred ninety seven pounds nine shillings and six pence for charges of management, and all additions to be made thereunto, at such time or times and in such manner and form, as are herein after specified in that behalf.

LVIII. Provided always, and it is hereby enacted by the authority aforesaid, That at any time after the said feast of the nativity of Saint John Baptist which shall be in the year of our Lord one thousand seven hundred twenty seven, upon repayment by parliament to the said governor and company of merchants of *Great Britain*, or their successors, of the whole sum whereof their said capital stock, with all the additions which (for taking in the said annuities, debts and incumbrances) are to be made thereunto by way of increase as aforesaid, shall then consist, according to this act, without any deduction, defalcation or abatement whatsoever to be made out of the same, or any part thereof, and upon payment of all arrears which shall be then due at the respective rates aforesaid, or either of them, for or upon the then annuity or yearly fund of the same governor and company to be increased as aforesaid, and upon payment of all arrears of the said yearly sums for charges of management; all which arrears (if any such be) shall be computed and paid to the quarterly feast-day then next preceding, and from thence shall be computed and paid by the day, till the time of such full payment made of the capital stock to be increased as aforesaid, then the said annuity or yearly fund of the same governor and company, payable as aforesaid, and the annuities or yearly funds which shall be added thereunto pursuant to this act, and the said yearly sums to be allowed for charges of management as aforesaid, and every of them, shall from thenceforth cease and determine.

After 24 June 1727, on repayment of the whole capital stock, &c. yearly fund, &c. to cease.

LIX. *And in regard it is intended, That at any time or times after the said feast of the nativity of Saint John Baptist which shall be in the year of our Lord one thousand seven hundred twenty seven, the principal or sum total of the said capital and to be increased stock of the same governor and company, consisting of eleven millions seven hundred forty six thousand eight hundred forty four pounds eight shillings and ten pence, and the additions to be made thereunto as aforesaid, may be satisfied to the said governor and company by any payments (not being less than one million of lawful money of Great Britain at a time); and that as the same principal money shall be paid off, the said annuity or yearly fund of the same governor and company, and the annuities or yearly funds to be added thereunto as aforesaid, shall from time to time proportionably sink and be abated: be it therefore further provided and enacted by the authority aforesaid, That at any time or times after the said feast of the nativity*

After 24 June 1727, on pay-

ment of any sum not less than 1,000,000 l. a proportionable part of the annuities shall cease.

2 Geo. 2. c. 8. sect. 19.

3 Geo. 2. c. 16.

4 Geo. 2. c. 5.

5 Geo. 2. c. 17.

6 Geo. 2. c. 25.

9 Geo. 2. c. 34.

10 Geo. 2. c. 17.

ty of Saint *John* Baptist which shall be in the year of our Lord one thousand seven hundred twenty seven, upon repayment by parliament to the said governor and company of merchants of *Great Britain*, or their successors, of any sum or sums of money (not being less than one million at a time) in part of the principal monies whereunto the said capital with all the additions which, for taking in the said annuities, debts and incumbrances, are to be made thereunto by way of increase as aforesaid, shall then jointly amount according to this act, and upon payment of all arrearages then due to them at the respective rates aforesaid, or either of them, for or upon their said annuity or yearly fund increased or to be increased as aforesaid, or so much of those arrearages as shall bear a proportion to the principal sums from time to time remaining unsatisfied, being computed by the day, until the time of every such payment of part of the principal respectively; and upon payment of all arrearages then due for or upon the said yearly sums for charges of management; then, from and after every such payment so made to the same governor and company, or their successors, so much of their said annuity or yearly fund, increased or to be increased as aforesaid, as shall bear proportion to the monies so paid in part of the said principal, shall cease, determine and be abated; any thing in this or any former act or acts of parliament contained, or other matter or thing whatsoever to the contrary notwithstanding.

After redemption of the annuities, the duties to be understood to be redeemed by parliament.

But the corporation to continue for ever.

LX. Provided also, and it is hereby further enacted by the authority aforesaid, That from and after the redemption of the said annuity or yearly fund of the said governor and company of merchants of *Great Britain*, and of the additional annuities or yearly funds which are to be joined to the same as aforesaid, and of the said yearly sums to be paid for charges of management as aforesaid, according to the several and respective provisoes or conditions of redemption in this act contained, of or concerning the same, then and not till then, so much of the said several duties, revenues and incomes as were by this act applicable thereunto during the continuance thereof, shall be understood to be redeemed by parliament, and shall not be issued, paid or applied to any use, intent or purpose whatsoever without authority of parliament: nevertheless the same corporation by the name aforesaid shall for ever remain, continue and be one body corporate and politick, and shall have, hold and enjoy all their forts, factories, acquisitions, lands, tenements, hereditaments, sole benefit of trade in and to the *South-Seas* and elsewhere, and also all the lands, tenements and hereditaments that are or shall be by them purchased in *Great Britain*, not exceeding one thousand pounds *per annum*, with perpetual succession, and all abilities, capacities, powers, authorities, franchises, exemptions, privileges, profits and advantages whatsoever, whereunto the said governor and company are, or before the making this act were entitled by any act or acts of parliament, grants or charter now in force; all which, and all the clauses, matters and things therein contained, now being in force, are by this act ratified,

con-

] Anno sexto GEORGII I. C. 4

med and made effectual to them and their successors; and the governor and company and the members thereof, withholding any share or interest in the said yearly funds, payments or annuities, or any of them, after the same shall be redeemed, shall have and be entitled to the sole and exclusive benefit of trade in and to the *South-Seas* and elsewhere, and such of trade in the fishery, as by any act or acts of parliament in force is directed, and all other benefits, powers, privileges and advantages (the said respective annuities to them issuable after such redemption as aforesaid, only excepted) so such redemption were had or made; any thing in this contained to the contrary notwithstanding.

I. And it is hereby declared and enacted by the authority of parliament, That all and every the abilities, capacities, powers, authorities, exemptions, franchises, privileges, profits and advantages whatsoever, and all pains of death and other penalties, forfeitures, and disabilities, and all rules, directions, methods, orders, matters and things whatsoever, which by any former acts of parliament, or any clause or clauses therein, or charter or charters under the great seal of *Great Britain*, are granted, granted or established to, for, touching or concerning the corporation of the governor and company of merchants trading to the *South-Seas* and other parts of *America*, and for encouraging the fishery, or their successors, or members of the same, or any person or persons employed or employed under them (being in force at or until the time of the making of this act, and not hereby determined or altered) shall nevertheless continue and be practised, and be put in execution, for carrying on and paying the yearly funds, annuities and payments therein contained, and subject to the provisions for redemption therein contained, and also (as well after such redemption as before) for securing the possessions, trade and business of the same corporation, and for the advantage of them and all persons employed and to be employed under them, in all respects, as fully and effectually, to all intents and purposes, the said abilities, capacities, powers, authorities, exemptions, franchises, privileges, profits and advantages, and the said benefit of death and other penalties, forfeitures and disabilities, and the said benefit of trade, rules, directions, methods, orders, matters and things were severally repeated and at large acted in the body of this present act.

II. Provided always, and it is hereby enacted, That nothing in this act contained shall obstruct or hinder, or be construed to obstruct or hinder the payment of any part of the yearly sum of seven hundred thousand pounds, settled during his Majesty's life (which God long preserve) for support of his Majesty's household, and of the honour and dignity of the crown, any part of the annuities granted by his Majesty to his royal highness the prince of *Wales*, or his trustees, out of the same, or to obstruct or hinder the payment of the yearly sum of four thousand pounds payable

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payable by any act or acts of parliament out of part of the said aggregate fund to sheriffs of *England* and *Wales*, for defraying the charges of taking forth their letters patents for their respective offices, and passing their several accounts, and obtaining their *quietus's*; any thing in this act contained to the contrary notwithstanding.

So many of
the pay-tick-
ets as will
make up an
intire annuity
in the lottery
1710, may be
taken in, as if
the numbers
thereof were
not interrupt-
ed.

LXIII. *And whereas several of the proprietors of the said pay-tickets belonging to the said lottery of the year one thousand seven hundred and ten, which were not subscribed pursuant to the said former act in that behalf, are or may be possessed of, as many, of the said pay-tickets belonging to the same lottery, as (in case the numbers thereof were not broken or interrupted) would entitle them severally to an intire annuity or annuities for the term of three and twenty years above-mentioned: it is hereby declared and enacted by the authority aforesaid, That in all cases, upon producing such pay-tickets for so much as will make up such annuity or annuities for the said term of three and twenty years, the bearer or bearers thereof shall be admitted to contract for the price or prices of the same annuity or annuities, and such annuity or annuities may be taken in by purchase or subscription pursuant to this act, as if all the tickets for every such annuity for the said three and twenty years were of the same number without being interrupted or broken; any thing herein contained to the contrary notwithstanding.*

Some propri-
etors of the
pay-tickets
having sold
their interest
in one, two
or three years
payments,
may subscribe
the whole
term, &c.

LXIV. *And whereas several of the proprietors of the said pay-tickets may have sold, aliened or disposed of their interest in one, two or three years succeeding payments of such pay-tickets, part of those comprehended in the said term of three and twenty years: it is hereby provided and further enacted by the authority aforesaid, That such proprietors, having all the other pay-tickets for the residue of the said term of three and twenty years, may contract for or subscribe into the books to be provided in pursuance of this act, that whole term of and in the said annuity or annuities, and all the pay-tickets for the same, paying to the person or persons to be appointed to receive and take in the said pay-tickets the full amount of such pay-ticket or tickets so sold, aliened or disposed, in trust to pay and satisfy such person or persons as shall have right to and be in possession of such pay-tickets, when the money for those tickets respectively shall be demanded, and delivering up all the rest of the pay-tickets for the term so subscribed for, as in this act is before prescribed; any thing therein contained to the contrary notwithstanding.*

Properties in
the lotteries
of 5 Geo. 1.
c. 3. & 5 Geo.
1. c. 9. not
adjusted, ma-
nagers to set-
tle the same
by 25 Dec.
1710, &c.

LXV. *And whereas it hath so happened, that the properties of several tickets entitled to benefits in the respective lotteries settled and established by the before-mentioned two several acts of parliament passed in the fifth year of his Majesty's reign have not been adjusted in manner as by the said acts such benefit tickets ought to have been adjusted, the persons possessed thereof, their agents or assigns, not having appeared with the same before the managers and directors of the said lotteries within the time limited for that purpose: be it therefore enacted by the authority aforesaid, That it shall and may*

may be lawful to and for such of the same managers and directors as the commissioners of his Majesty's treasury shall think fit to appoint in this behalf, to settle and adjust the properties of any the tickets in the said respective lotteries that have not hitherto been settled and adjusted; provided the persons possessed of the said tickets, their agents or assigns, do appear with the same before the same managers and directors, on or before the five and twentieth day of *December* one thousand seven hundred and twenty; and the same managers and directors, or some or one of them, are hereby required to certify, not only the properties of and in all such tickets as shall be claimed and adjusted before them, within the time aforesaid, but also of and in all such other tickets, the properties whereof have been before claimed and adjusted, but not certified, as the respective acts in that case have directed and appointed; any thing in the said acts or either of them to the contrary notwithstanding.

LXVI. Provided always, and it is hereby further enacted, That if the sub-governor, deputy-governor, the directors, managers, assistants, or other members of the said corporation of the governor and company of merchants of *Great Britain*, trading to the *South-Seas* and other parts of *America*, and for encouraging the fishery, shall upon the account of the said corporation, at any time or times, purchase any lands or revenues belonging to the crown, or advance or lend to his Majesty, his heirs or successors, any sum or sums of money by way of loan or anticipation, on any part or parts, branch or branches, fund or funds of the revenues now granted or belonging, or hereafter to be granted or belonging to his Majesty, his heirs or successors, other than such fund or funds, part or parts, branch or branches of the said revenues only on which a credit of loan is or shall be granted by parliament, that then the said sub-governor, deputy-governor, directors, managers or assistants, or other members of the said corporation; who shall consent, agree to or approve of the advancing or lending to his Majesty, his heirs or successors, such sum or sums of money as aforesaid, and each and every of them so agreeing, consenting or approving, and being thereof lawfully convicted, shall for every such offence forfeit treble the value of every such sum or sums of money so lent; whereof one fifth part shall be to the informer, to be recovered in any of his Majesty's courts of record at *Westminster* by action of debt, bill, plaint or information, wherein no protection, wager of law, essoin, privilege of parliament or other privilege shall be allowed, nor any more than one imparlance, and the residue to be disposed of towards publick uses as shall be directed by parliament, and not otherwise.

Company not to purchase crown-lands, or lend money to the crown by way of anticipation.

Penalty for so doing.

LXVII. And whereas it is intended, That as well the above-mentioned sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, and every part thereof, as the said sums to be paid after the rate of four years and a half's purchase, and also the said sums to be paid after the rate of one year's purchase, and every of them, and every part thereof, to be paid

How the
4,156,306 l.
4s. 11 d. and
the sums to be
paid after the
rate of four
years and a
half's pur-
chase and one
year's pur-
chase, shall be
issued and ap-
plied.

7Geo. 1. stat. 2.
9Geo. 1. c. 6.

paid into the receipt of the exchequer by the said governor and company of merchants of Great Britain, as fast as the same shall be paid into the said receipt, shall be issued and applied in manner following; that is to say, That out of the first monies arising of or for the said several sums so to be paid into the said receipt, every or any of them, such publick debts and incumbrances carrying interest or annuities after the rate of five pounds per centum per annum, or more, incurred before the five and twentieth day of December one thousand seven hundred and sixteen, founded upon any former act or acts of parliament in that behalf (not being part of the capital stock or fund of the said governor and company of merchants of Great Britain) as are now redeemable, or may be redeemed at any time or times on or before the five and twentieth day of December one thousand seven hundred twenty and two, shall be redeemed and paid off in the first place; and that after the same shall be redeemed and paid off, or money sufficient shall be reserved in the exchequer for redeeming and paying off the same according to the true meaning of this act, then all the rest, residue and remainder of the said sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, and of the said sums to be computed after the said several rates of four years and an half's purchase and one year's purchase, and of every of them, and of every part thereof, as the same residues and remainders, from time to time, shall grow due from the same governor and company, or their successors, and as the same shall or ought to be paid into the said receipt of exchequer, shall be applied for or towards paying off so much of the capital stock and increased capital stock of the same governor and company as shall then carry interest after the rate of five pounds per centum per annum; and that upon every such payment, or reserving money as aforesaid to make such payment, to the same governor and company, a proportional part of their annuity or yearly fund, or of their annuity or yearly fund to be increased as aforesaid, for which that rate is or shall be payable, shall cease and determine: now it is hereby provided, enacted and declared by the authority aforesaid, That the said several sums of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, and the said several sums to be paid after the said rates of four years and an half's purchase and one year's purchase, and every of them, and every part thereof, shall be applied in such manner and form as are before-mentioned and intended for the application thereof (over and above the monies of the said sinking fund by this act directed to be applied for lessening publick debts and incumbrances, in such manner and form as are in this act prescribed concerning the same) and the commissioners of the treasury, or any three or more of them, and the high treasurer for the time being, are hereby directed and authorized to cause all the monies arising of or for the said sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, and the said sums to be paid after the rate of four years and an half's purchase and one year's purchase, and every of them, and every part thereof, to be applied in the manner and

and form by this act prescribed touching or concerning the same; and that upon every such payment, or reserving such money in the exchequer to make such payment to the said governor and company of merchants of *Great Britain*, a proportional part of their said annuity or yearly fund or increased annuity or yearly fund, for which the said rate of five pounds *per centum per annum* shall be payable, for which so much of their capital stock shall be paid off, or for which money shall be so reserved from time to time, shall cease and determine; any thing herein contained to the contrary notwithstanding.

LXVIII. *And whereas in and by an act of parliament made in the third year of his Majesty's reign, the monies to arise from time to time by certain surplusses, excesses and overplus monies therein specified, were appropriated for discharging the principal and interest of such national debts and incumbrances as were incurred before the five and twentieth day of December one thousand seven hundred and sixteen, and were declared to be national debts, and were provided for by act of parliament, in such manner and form as should be directed or appointed by any future act or acts of parliament to be discharged therewith or out of the same; which monies so arising by the said surplusses, excesses and overplus monies, are commonly called the sinking fund, and the said fund, commonly so called the sinking fund, is like to be very much increased in consequence of this present act, by taking in several of the above-mentioned annuities and debts, and settling (in lieu thereof) upon the said governor and company of merchants of Great Britain, and their successors, additions to their present annuity or yearly fund at the rate of five pounds per centum per annum, until and from the said feast of the nativity of Saint John Baptist one thousand seven hundred and twenty seven; and afterwards at the said rate of four pounds per centum per annum, till redemption thereof according to this act: now it is hereby further declared and enacted by the authority aforesaid, That so much of the monies, as at any time or times before the said feast of the nativity of Saint John Baptist which shall be in the year of our Lord one thousand seven hundred and twenty seven, shall arise by the said surplusses, excesses and overplus monies, with the increase thereof, as shall or may remain in the exchequer after discharging so much as remains unsatisfied of the sum of five hundred and twenty thousand pounds, mentioned in an act of the fifth year of his Majesty's reign for cancelling such exchequer-bills as are therein specified, and after discharging such payments as shall be charged or chargeable on the said sinking fund, or the increase thereof, by any other act or acts of this session of parliament, and after paying off such publick debts and incumbrances carrying interest, or any annuity after the rate of five pounds *per centum per annum*, or any higher interest or annuity, founded upon any former act or acts of parliament in that behalf (not being part of the capital stock or fund of the said governor and company of merchants of *Great Britain*) as may be redeemed before the said feast of the nativity of Saint John Baptist one thousand seven hundred twenty and seven, shall and may be*

On every such payment a proportional part of the increased annuity to cease.

3 Geo. 1. c. 7.

So much money arising before 24 June 1727, by the overplus monies called the sinking fund, with the increase thereof, as shall remain after 520,000 l. by 5 Geo. 1. c. 3. is completed, and after discharging payments charged on the sinking fund, &c. redeemable before Midsummer 1727,

shall be applied by evca.

sums of
100,000 l. to-
wards paying
off part of the
capital, carry-
ing interest at
5 l. per cent.

be applied at the end of every year, so far as such remainder of the said surplusses, excesses and overplus monies will from time to time extend, by even sums of one hundred thousand pounds at a time, for or towards paying off part of the capital stock of the said governor and company of merchants of *Great Britain*; which shall carry the said rate of five pounds *per centum per annum*; and upon every such payment a proportional part of their annuity or yearly fund payable at that rate for so much of the said capital stock as shall be so paid off, from time to time, shall cease and determine; and the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, are hereby directed and authorized to cause the monies so arising of or for the said sinking fund, other than and except as aforesaid, to be applied for or towards the paying off such publick debts and incumbrances, and for or towards paying off such part of the capital stock of the said governor and company of merchants of *Great Britain*, and reducing a proportional part of their annuity or yearly fund accordingly, any former law or statute to the contrary notwithstanding.

LXIX. *And whereas a great number of bills, commonly called exchequer-bills, were made forth and issued at the receipt of the exchequer by virtue of former acts of parliament in that behalf, and the far greatest part of the said bills so made forth have since been discharged and cancelled at the said receipt, pursuant to the same or other acts of parliament made for that purpose, and particularly provision was made by an act of the fifth year of his Majesty's reign for applying the sum of five hundred and twenty thousand pounds therein mentioned towards discharging such bills, out of the said surplusses, excesses and overplus monies, commonly called the sinking fund, part of which sum of five hundred and twenty thousand pounds hath accordingly been applied, and the residue thereof, as it shall come into the exchequer, will be applicable thereunto; and after the application thereof of the principal monies to remain due upon such of the said bills as will then be in or out of the exchequer uncanceled and undischarged, will, by estimation, amount unto eight hundred ninety six thousand six hundred sixty two pounds ten shillings, or thereabouts, besides interest on them, or some of them: now it is hereby enacted by*

Clause for
calling in the
present ex-
chequer-bills
remaining un-
cancelled, a-
mounting to
896,662 l. 10s.

the authority aforesaid, That the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being shall, by publick notice in writing to be affixed upon the *Royal Exchange* in *London*, and published in the *London Gazette*, prefix a certain day by or before which all the said residuary bills so estimated to amount to eight hundred ninety six thousand six hundred sixty two pounds ten shillings, or thereabouts, shall be brought in and delivered to such person or persons as the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being shall appoint to receive the same, at or near the said exchequer, to be changed for new bills, as is herein after directed; and that all such of the residuary bills standing out, as shall not be brought in upon such notice to be exchanged for new bills as aforesaid, within

within the time or times thereby to be signified, shall lose their currency, and no interest shall grow due thereupon after the day to be prefixed as aforesaid.

LXX. And be it further enacted by the authority aforesaid, Clause for making forth new bills, not exceeding the same sum in lieu thereof. That the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, shall cause new bills to be prepared and made at the said receipt of the exchequer, in such method and form as they shall think most convenient, for any sum or sums of money whereof the principal shall not exceed the said sum of eight hundred ninety six thousand six hundred sixty two pounds ten shillings, adding thereunto the interest-mones which shall appear to be due thereupon; which new bills shall be made forth to bear an interest not exceeding the rate of two pence *per centum per diem*; and the said commissioners of the treasury, or any three or more of them, or high treasurer for the time being, shall cause the said residuary bills to be cancelled and discharged, and, as fast as the said residuary bills shall be brought in, cancelled and discharged, shall cause new bills in lieu thereof to be delivered to the respective bearers of the said residuary bills, so that for every principal sum contained in any the said residuary bills so cancelled and discharged, a new bill (of the new bills above-mentioned) containing the like principal sum shall be delivered to the said bearers respectively; and that such new bills which shall be so delivered to any teller or tellers of the exchequer, as the bearers of any the said residuary bills, shall (instead of such residuary bills so brought in and cancelled) be placed in their respective offices as so much cash.

LXXI. Provided always, That in case proof shall be made On oath that any of the residuary bills have been lost, new bills to be delivered in lieu thereof. upon oath of one or more credible witnesses before the lord chief baron, and other the barons of the coif, of his Majesty's court of exchequer, or any of them, that any of the said residuary bills, amounting to eight hundred ninety six thousand six hundred sixty two pounds ten shillings, or thereabouts, were by casualty or mischance lost, burnt, or otherwise destroyed before the second day of *February* one thousand seven hundred and nineteen, and shall by such oath ascertain the numbers and sums of such bill or bills; and if thereupon the said chief baron, and other the said barons, or any of them, before whom such proof was made, shall certify that he or they is or are satisfied in such proof; that then and in every such case the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, are hereby authorized to cause a new bill or bills (of the new bills before-mentioned) to be delivered in lieu of the bill or bills so certified to be lost, burnt or destroyed, as if the original bill or bills were brought in and cancelled; provided the person or persons so receiving the same do give security to his Majesty (to the good liking of the person or persons who shall be appointed to take in the old bills as aforesaid) to pay into the exchequer, for the use of the publick, so much money as is contained in such new bill or bills, in

In case the original bill or bills so certified to be lost, burnt or destroyed, be hereafter produced.

South-Sea company during seven years from Midsummer 1720, willing to furnish money for circulating these new bills at their own charge,

and a proportion of money for circulating other bills to be made forth.

LXXII. *And whereas the said governor and company of merchants of Great Britain (in consideration of the advantages which may possibly accrue to them by increasing as well their capital stock, as their annuity or yearly fund, and also their allowance for charges of management, upon such terms and conditions as are in and by this act prescribed in that behalf) are willing from time to time, during the term of seven years, to be reckoned from the feast of the nativity of Saint John Baptist one thousand seven hundred and twenty, to furnish, supply and pay to such trustees as shall be chosen and constituted, as is herein after mentioned, so much ready money in the lawful coins of this realm, as shall be sufficient to enable such trustees to exchange all such of the said bills to be made forth by virtue of this act, as shall be demanded at the publick office of the said trustees, at any time or times within the said term of seven years, by paying in such ready money upon every such demand, all the principal monies contained in every such bill, and the interest which shall then be due thereupon, and so toties quoties, as often as any such bills shall be demanded, and are willing at their own proper cost and charges to bear, destroy and allow, out of the money so to be furnished from time to time, so much as shall be so paid by the said trustees, for interest upon the bills so demanded and exchanged from time to time, within or during the term last-mentioned; provided the said trustees do from time to time, upon exchanging of every such new bill as aforesaid, take in the bill so exchanged, and shall stand possessed of the same (as to the principal monies therein contained, and the interest-monies to grow due thereupon, during the times they shall be in the hands or power of the said trustees) in trust for the said governor and company of merchants of Great Britain, and their successors, and shall be answerable and accountable to them for the same monies, or the value thereof in like bills, as is herein after-mentioned; and in case during this or any future session or sessions of parliament any other act or acts of parliament be or shall be made, for making forth any further sum or sums in exchequer-bills to be circulated by trustees at or near the exchequer, and to be current at any time or times within or during the said term of seven years, or for any part of the same term, at the said exchequer, and in the publick revenues and taxes, upon credit of such fund or security, or of such monies to be borrowed thereupon, as by authority of parliament shall be established or appointed to support the currency thereof, then and in every such case the said governor and company of merchants of Great Britain, for the consideration aforesaid, are willing (from time to time during the said term of seven years, or for so much of that term as the said exchequer bills to be made forth by such other or future act or acts of parliament, shall have a joint currency with the said bills to be made forth by virtue of this act, or be current together, or at the same time) to furnish, supply and pay to such trustees as shall be chosen or constituted as in this act is afterwards mentioned, in the lawful coins of this realm, a proportional part of such ready money as shall be sufficient to enable the same trustees to exchange all or any the bills which shall be so current (whether they be bills made forth by vir-*

tue of this act, or by any other act or acts of this or any future session of parliament) as often as any such bill shall be demanded within the laid term of seven years, by paying all the principal monies contained in such bill, and the interest which shall upon every such demand be due thereupon, and so toties quoties, as often as the same shall be demanded; which proportional parts shall from time to time be ascertained and determined in manner following, (that is to say) as the sum total of the principal monies contained in all the said bills then uncanceled and undischarged shall be to ten hundred thousand pounds, so the whole sum which at any time or times during the said term, shall be necessary and called for to support the currency of all the said bills, shall be to the proportional part to be furnished by the same governor and company towards supporting such currency: be it therefore enacted by the authority aforesaid, That the said commissioners of Treasury to name three, his Majesty's treasury, or any three or more of them, or the high treasurer for the time being shall, on behalf of the publick, name three such persons as they shall judge to be fit for executing the trusts relating to exchequer-bills in and by this act intended, and that the said governor and company of merchants of Great Britain, or their court of directors on their behalf, shall forthwith nominate three other persons (being members of their own company, or any others) as they shall judge to be fit for executing the said trusts in and by this act intended; and that upon such several nominations the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, shall and may, from time to time, by any writing or writings under their hands and seals (to be registred in the office of the auditor of the receipt of exchequer, and to be enrolled in the office of the clerk of the pells there) constitute and appoint all the persons which shall be so chosen or nominated to be trustees for circulating exchequer-bills, with power to them, or any four or more of them, to receive as well the monies to be furnished by the said governor and company pursuant to this act, as the monies which by any other or future act or acts of parliament shall be issuable at the exchequer for supporting the currency thereof; and that the trustees so to be constituted shall keep an office at or near the exchequer in Westminster, to which the respective bearers of the said bills may, at all seasonable times of the day (Sundays and holidays excepted) resort to have their bills exchanged for ready money upon demand.

LXXIII. And be it enacted by the authority aforesaid, That the said governor and company of merchants of Great Britain, and their successors, or their court of directors on their behalf shall, and they are hereby enjoined and required from time to time, during the said term of seven years, to furnish, supply, and pay to such trustees as shall be chosen or constituted, as aforesaid, so much ready money in the lawful coins of this realm, as shall be sufficient to enable such trustees to exchange all such of the said bills to be made forth by virtue of this act, as shall be demanded at the said publick office of the said trustees, at a

ny time or times within the said term of seven years, by paying (in such ready money) upon every such demand, all the principal monies contained in every such bill, and the interest which shall then be due thereupon, and so *toties quoties*, as often as any such bill shall be demanded, so as all the principal sums to be contained in all the new bills to be made forth by virtue of this act (in lieu of all the principal and interest due upon the said old bills) do not in the whole exceed ten hundred thousand pounds; and the same governor and company shall at their own proper cost and charges bear, defray, and allow out of the money so to be furnished from time to time, so much as shall be so paid by the said trustees for interest upon the bills so demanded and exchanged from time to time, within or during the term last mentioned.

Trustees accountable to the company.

LXXIV. And it is hereby enacted by the authority aforesaid, That the said trustees shall, and they are hereby enjoined and required, from time to time, upon exchanging every such bill which shall have been made forth by virtue of this act, take in the bill so exchanged, and shall stand possessed of the same (as to the principal monies therein contained, and the interest-monies to grow due thereupon, during the times they shall be in the hands or power of the said trustees) in trust for the said governor and company of merchants of *Great Britain*, and their successors, and shall be answerable and accountable to them for the same principal monies, and the interest-monies to grow due thereupon during the times they shall be in the hands or power of the said trustees, or the value thereof in like bills, as is herein after mentioned.

If any further sums be to be issued in exchequer-bills, then the company shall furnish a proportional part of ready money to the trustees for seven years.

LXXV. And be it further enacted by the authority aforesaid, That in case during this or any future session or sessions of parliament, any other act or acts of parliament be or shall be made for making forth any further sum or sums in exchequer-bills to be circulated by trustees at or near the exchequer, and to be current at any time or times within or during the said term of seven years, or for any part of the same term, at the said exchequer, and the publick revenues and taxes, upon credit of such fund or security, or of such monies to be borrowed thereupon, as by authority of parliament shall be established or appointed to support the currency thereof; then and in every such case, the said governor and company of merchants of *Great Britain*, and their successors, for the consideration aforesaid shall, and they are hereby enjoined and required, by themselves, or their court of directors for the time being (from time to time, during the said term of seven years, or for so much of that term as the said exchequer-bills to be made forth by such other or future act or acts of parliament, shall have a joint currency with the said bills to be made forth by virtue of this act, or be current together or at the same time) to furnish, supply, and pay to such trustees as shall be chosen or constituted by this act, as aforesaid, in the lawful coins of this realm, a proportional part of such ready money as shall be sufficient to enable the same trustees

stees to exchange all or any the bills which shall be so current (whether they be bills made forth by virtue of this act, or by any other act or acts of this or any future session of parliament) as often as any such bills shall be demanded within the said term of seven years, by paying all the principal monies contained in such bills, and the interest which shall upon every such demand be due thereupon, and so *toties quoties*, as often as the same shall be demanded, which proportional parts shall, from time to time, be ascertained and determined in such manner and form as are before mentioned in that behalf; and that the same governor and company shall, at their own proper costs and charges, bear, defray, and allow out of the said proportional money so by them to be furnished from time to time, a like proportion of the monies which shall have been paid by the said trustees for interest upon the bills so demanded and exchanged (whether they be bills made forth by virtue of this act, or by any other act or acts of this or any future session of parliament,) (as aforesaid) within or during the said term of seven years: nevertheless the said trustees, upon exchanging the said bills (during the time of such joint currency, as aforesaid) or any of them, shall be and are hereby obliged to take in the same bills so exchanged, and to be answerable and accountable to the said governor and company of merchants of *Great Britain*, and their successors, for such part of the principal sums contained therein, and the interest-monies to grow due thereupon, during the times they shall be in the hands or power of the said trustees, as shall bear a just proportion to the coined monies which the same governor and company shall have furnished and advanced for or towards the exchanging of the same, which proportions of the principal sums so paid by way of exchange, from time to time, and of the interest last mentioned, shall and may be made good to the said governor and company out of the same, or other exchequer-bills then current, as is herein after mentioned.

LXXVI. And be it further enacted by the authority aforesaid, That after the choosing and constituting such trustees as aforesaid, during the said term of seven years, they the said trustees for the time being, shall once in every fourteen days at the farthest, make up and deliver, as well to the commissioners of the treasury, or high treasurer for the time being, as also to the said governor and company of merchants of *Great Britain*, or to their court of directors, or their cashier for the time being, a just, true and perfect account in writing, signed by the said trustees, or four or more of them, of all the monies or proportions of money, which within the time of every such account shall have been furnished to them the said trustees for or towards circulating or exchanging the said exchequer-bills, or any of them, or for payment of interest thereupon, distinguishing how much thereof shall have been furnished by or on the behalf of the same governor and company, and how much thereof (if any) shall have been furnished on account of the publick, pursuant to any other or future act or acts of parliament in that behalf;

half; and how much of the same money furnished by the same governor and company, shall or ought to be born or allowed by them for interest, or for the proportional part of interest which they shall or ought to bear at their own charge, according to the tenor and true meaning of this act; and shall together with every such account deliver to the same governor and company, or to their court of directors, or their cashier for their use, so many exchequer-bills then current as by the monies then due thereupon shall amount to the total of the principal sums contained in the bills which were so exchanged by or with the money or proportions of money furnished by the same governor and company, as aforesaid.

Treasury may make calls on the company for this purpose.

LXXVII. *And for better preserving the credit and currency of the said bills to be made forth by virtue of this or any other or future act or acts, as aforesaid,* it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, upon receiving any account or accounts, as aforesaid, from the said trustees by any notice in writing to be given or left at the publick office of the same governor and company, to call for and require such sums, from time to time, to be furnished and paid by them to the said trustees for the exchanging and circulating the said bills, or for their proportion thereof (not exceeding one hundred thousand pounds at a time) as the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being shall, from time to time, judge to be necessary in that behalf; and that the said sums so called for shall, from time to time, be furnished by the same governor and company, accordingly, within four days after every such notice given or left.

Trustees to exchange for ready money at their publick office all bills brought to them.

LXXVIII. And be it further enacted by the authority aforesaid, That the trustees to be constituted as aforesaid (being from time to time furnished with money of the lawful coins of this realm, for the purpose aforesaid, according to the purport and true meaning of this act) shall, and they are hereby enjoined and required at their said publick office to exchange for ready money all such of the said bills to be made forth by virtue of this or any other or future act or acts of parliament, as aforesaid, as from time to time, or at any time or times within or during the said term of seven years, shall be in the hands of any person or persons, and within the same term shall be demanded of the same trustees, or at their publick office, to be exchanged for ready money, by paying unto all such person and persons in ready money, the principal sum or sums for which such bill or bills so required to be exchanged (shall have been issued, or which the owner or owners of such bills shall be entitled unto by the same bill or bills respectively, together with interest which shall have grown due thereupon, for any time or times within the said term of seven years, and shall at the time of any such demand be due on such bill or bills respectively, and so *toties quoties*, as often as such bill or bills shall be demanded, as aforesaid, within the said term of seven years.

LXXIX. And

LXXIX. And it is hereby enacted, That any person or persons, bodies politick or corporate, having in his or their custody any of the said exchequer-bills to be made forth by virtue of this or any other future act or acts, as aforesaid, upon which six months interest, or more, shall be due and unpaid at any time or times during the said term of seven years, shall and may, from time to time, demand and receive of and from the said trustees for the time being (they being furnished with money, as aforesaid) all the interest so due and unpaid, which the same trustees are hereby directed and required to pay and discharge accordingly.

Ready money may be demanded for bills on which 6 months interest is due.

LXXX. And it is hereby further enacted by the authority aforesaid, That no governor, sub-governor, deputy-governor or director of the said *South-Sea* company, or any of the said trustees, or other person or persons whatsoever, who shall be intrusted or any ways concerned in or about the circulation or exchanging of the said exchequer-bills, or any of them, pursuant to this act, shall for that cause only be disabled from being a member of parliament, or be adjudged liable to be a bankrupt within the intent or meaning of all or any of the statutes made against or concerning bankrupts; any law, statute or provision to the contrary notwithstanding.

Persons concerned in circulating not disabled from being members of parliament, or liable to be bankrupts.

LXXXI. And be it further enacted by the authority aforesaid, That all and every the exchequer-bills to be made forth, as aforesaid, and to be current at any time or times, within the said term of seven years, shall be received and taken by, and shall pass and be current to all and every the receivers and collectors in *Great Britain*, of the customs, excise, or of any revenue, supply, aid or tax whatsoever already granted, due or payable, or which shall or may hereafter be granted, due or payable to his Majesty, his heirs or successors, and also at the receipt of the exchequer, from the said receivers or collectors, or from any other person or persons, bodies politick or corporate whatsoever, making any payment or loan there to his Majesty, his heirs or successors, for or upon any account, cause or occasion whatsoever, according to the purport and true meaning of this act: and that such of the same bills as shall be so received at the exchequer shall and may be locked up, and secured as cash according to the course of the exchequer settled and established by law, for locking up and securing money in specie received there; and that all and every the receivers and collectors in *Great Britain*, of the customs, excise, or any revenue, aid, tax or supply whatsoever, already granted, due or payable, or which shall or may hereafter be granted, due or payable to his Majesty, his heirs or successors, shall and are hereby directed and required, out of any current coined money, as shall then be in his or their hands of such revenue, aid, tax or supply, to pay such of the same bills as shall be brought to them respectively, by any person or persons desiring to have money for the same; and in case any such receiver or collector shall refuse or neglect to exchange such bills for ready money, by the space of four and twenty hours,

These bills to be current in the revenue.

If received at the exchequer, to be locked up as cash. Receivers, &c. out of money in their hands to exchange the bills.

Receivers refusing, may be sued.

the person or persons demanding the same, shall or may bring an action of debt or on the case, for the principal and interest-monies due upon such bill or bills, against such receiver or collector having money in his hands, as aforesaid, in which action the plaintiff shall or may declare, that such receiver or collector is indebted to such plaintiff in the money demanded upon every such bill according to the form of the statute, and hath not paid the same, which shall be sufficient; and the plaintiff in every such action shall recover against the receiver or collector not only the monies so refused or neglected to be paid, but also his damages, with full costs of suit, and such receiver or collector shall be subject and liable thereunto; and in such action no essoin, protection, privilege or wager of law shall be allowed, or more than one imparlance, and upon payment of the monies so to be recovered, the plaintiff, his executors or assigns, shall deliver up such bills to the defendants, his executors or assigns.

Tallies to be struck for such bills lent into the exchequer.

LXXXII. And be it further enacted, That as any of the said bills to be made forth by virtue of this or any other or future act or acts, as aforesaid, shall at any time or times hereafter, within or during the said term of seven years, or within or during any part of that term, be paid or lent into the exchequer by any his Majesty's receivers, or other person or persons, bodies politick or corporate, making any payment or loans at that receipt, the officers there shall cause tallies to be levied and delivered to the payers or lenders, as amply and effectually, to all intents and purposes, as if they had made such payments or loans in specie.

Interest due on the bills to be allowed by receivers, &c.

LXXXIII. And be it enacted by the authority aforesaid, That the interest which shall from time to time, be due upon any the bills so to be current, as aforesaid, shall be allowed to all persons, bodies politick and corporate, paying the same to any receiver or collector, receivers or collectors, of any his Majesty's revenues, aids, taxes or supplies, or by way of exchange, as aforesaid, or paying or lending the same into the exchequer, as aforesaid, to the respective days whereupon such bill or bills shall be so paid, exchanged or lent.

No interest on the bills in the receivers hands, or in the exchequer.

LXXXIV. Provided always, That no interest shall run or be paid upon or for any such bill or bills during the time that any such bill or bills so paid, exchanged or lent, shall remain in the hands of any the said receivers or collectors, or in the hands of any teller or tellers of the exchequer, but for such time the interest on every such bill shall cease, and the said governor and company of merchants of *Great Britain* shall not be obliged to bear or pay any part or proportion of the interest so saved.

Persons paying bills to receivers, &c. to indorse their names, and time when paid in:

LXXXV. And to the end it may be known for what time such bills bearing interest shall, from time to time, remain in the hands of such receiver or collector, or in the exchequer aforesaid: be it further enacted by the authority aforesaid, That the person or persons who shall pay any such bill or bills bearing interest to any receiver or collector of any his Majesty's revenues, aids, taxes or supplies, by way of exchange or otherwise, or shall pay

pay or lend such bill or bills so bearing interest into the exchequer, as aforesaid, shall at the time of making such payment, exchange or loan, on each bill bearing interest, and so paid, exchanged or lent, put his or their name or names, and write thereupon in words at length, the day of the month and year in which he, she or they so paid, lent or exchanged such bill or bills bearing interest, all which the said receivers and collectors respectively, and also the respective tellers in the exchequer, shall take care to see done and performed accordingly, to which respective days the said receivers and collectors shall be allowed again the interest which he, she or they shall have allowed or paid upon such respective bill or bills, upon his, her or their paying the same into the receipt of exchequer, as aforesaid.

LXXXVI. Provided also, and be it hereby further enacted by the authority aforesaid, That the said bills, or any of them, may be re-issued and paid again out of his Majesty's exchequer, and when the same shall be re-issued or paid again out of his Majesty's exchequer, the respective teller there, from whose office such bill or bills bearing interest shall be so re-issued or again paid out, shall indorse on the same bill or bills so re-issued, in words at length, the day of the month and year in which the same were so re-issued or repaid out of the said exchequer, and also on what account the same were last received into the receipt of exchequer, and sign the same, from which time the interest of such bill or bills so re-issued or paid again shall revive, and such bill or bills shall again run and pass at interest, as the same did before they were paid unto or exchanged by the said receivers or collectors, or before the same were paid or lent into the exchequer, as aforesaid.

And the time of re-issuing to be also indorsed.

LXXXVII. And it is hereby enacted, That the same bills to be re-issued from time to time, or at any time at the exchequer, as aforesaid, shall be so re-issued for the principal money to be contained therein, and for so much interest as was due thereon, and allowed by the teller at the respective time and times when such bill and bills were last paid into the exchequer.

Bills re-issued to bear the same interest as when paid in.

LXXXVIII. And be it enacted, That every receiver general of any the revenues, aids, taxes or supplies, belonging or to belong to his Majesty, his heirs or successors, shall keep a fair book or books of accounts in writing, of all the monies by him received, in which he or his deputy or deputies shall truly enter all the sums which shall have been received by him or them, for every such revenue, aid, tax or supply, together with the names of the several collectors from whom the same or any part thereof was received, the days when, and the sums paid, how much thereof in money, and how much in such exchequer-bills, and what exchequer-bills shall have been exchanged by every such receiver general, pursuant to this act, to which accounts every person concerned shall have free access at all reasonable times, without fee or charge, and the said accounts shall constantly lie open at one certain place within the limits of his receipt for that purpose; and if such receiver shall neglect to keep

Receivers general to keep books for entering all monies received, on penalty of 100l.

such book or books, or to enter therein any sum or sums of money by him or them received and paid, as aforesaid, by the space of three days after the receipt or payment of the same, or shall refuse any person or persons concerned to inspect such book or books without fee or charge, as aforesaid, every such receiver for every such offence shall forfeit the sum of one hundred pounds to any person or persons who shall sue for the same, to be recovered by action of debt or on the case, bill, suit or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege or wager of law shall be allowed, or any more than one imparlance.

Bills filled up by indorsements, treasury to make forth new ones.

LXXXIX. Provided always, and it is hereby enacted by the authority aforesaid, That in case any of the exchequer-bills, which shall be made forth by virtue of this act, shall be filled up by writing, or endorsements to be made thereon, as aforesaid, or shall by any accident be defaced, it shall and may be lawful to and for the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, and he and they are hereby authorized and enjoined (by their or his discretions) from time to time, to cause new bills to be made forth at the receipt of the exchequer, in lieu of such bills which shall be so filled up or defaced, which bills so filled up or defaced shall be cancelled at the receipt of exchequer, and kept there on a file or files for that purpose, and such bills so to be made forth in lieu thereof, shall have a like currency, and shall in all respects be subject to the same rules, methods and continuance as the bills so filled up or defaced were intended to have by this act, and shall bear the same numbers, dates, and principal sums, and carry the like interest, as were born and carried by the bills so cancelled respectively.

Bills for large sums not exceeding 5000l. each, may be issued, &c.

XC. And it is hereby enacted, That for the greater ease and dispatch of the publick business at the exchequer, it shall and may be lawful to and for the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, and he or they are hereby authorized and enabled (in case he or they shall so think fit) at the request of the said court of directors of the governor and company of merchants of *Great Britain* for the time being, to cause exchequer-bills for any large sums not exceeding five thousand pounds each, to be made forth at the receipt of exchequer, and to be placed as cash in the same receipt in lieu of the like value of the principal contained in exchequer-bills, made forth by virtue of this act for lesser sums, which at the time of making such large bills shall happen to be in the said receipt, which shall be at the same time cancelled and discharged, and be kept there on a file for that purpose, which new bills for such large sums shall or may be issued at the said receipt, and have the same currency, and in all respects be subject to the same rules, methods, continuance, and carry the like interest, and have the same security, benefit and advantages, and the same pains of death, and other pains, penalties and forfeitures, for any crime or offence relating thereunto, shall

shall be inflicted, incurred and put in execution, as if they had been bills originally issued by virtue of this act; any thing herein contained to the contrary notwithstanding.

XCI. And it is hereby enacted by the authority aforesaid, That if any person or persons shall forge or counterfeit any exchequer-bills, which shall be made forth by virtue of this act, or be renewed or made forth in pursuance of this act, or any endorsement or writing thereupon or therein, or tender in payment any such forged or counterfeited bill, or any exchequer-bill made forth by this act with such counterfeit endorsement or writing thereupon or therein, or shall demand to have such counterfeit bill, or any exchequer-bill with such counterfeit endorsement or writing thereupon or therein, exchanged for ready money, by any person or persons, body or bodies politick or corporate, who shall be obliged or required to exchange the same, pursuant to this act, knowing the bill so tendered in payment, or demanded to be exchanged, or the endorsement or writing thereupon or therein, to be forged or counterfeited, and with intent to defraud his Majesty, his heirs or successors, or the said governor and company of merchants of *Great Britain*, or the said trustees, or any of them, or any other person or persons, body politick or corporate, then every such person or persons so offending (being thereof lawfully convicted) shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy.

Forging exchequer-bills, felony.

XCII. And it is hereby further enacted, That the said trustees shall from time to time have the use and custody of one part of all the cheques, indents or counterfoils of all the exchequer-bills to be current on this act, and from which the said bills shall be cut, in order to prevent their being imposed upon by counterfeited or forged bills; and that such parts of the said cheques, indents or counterfoils shall be delivered back into the receipt of the exchequer by the said trustees for the time being, at the end or sooner determination of the said term of seven years.

Trustees to have the cheques, &c. of the bills, to be delivered back at the end of the seven years.

XCIII. Provided always, and it is hereby enacted, That as often as any interest upon the exchequer-bills to be made forth, by virtue of this or any other or further act or acts, as aforesaid, shall be demanded to be paid by the said trustees for the time being, they shall not be obliged to pay for such interest to any lesser sum than one penny upon such bill, in case a single bill be produced for payment, or for the total of the interest of such bills, where two or more shall be offered at one time by the same person; any thing herein contained to the contrary notwithstanding.

No interest to a lesser sum than a penny.

XCIV. Provided also, and it is hereby declared and enacted by the authority aforesaid, That if at any time or times hereafter provision shall be made by authority of parliament of so much money, in the lawful coins of this kingdom, as shall be sufficient to pay off and discharge all the principal and interest which shall be due upon the said exchequer-bills to be made forth by

If provision be made by parliament of money to discharge the bills, or any part thereof, the same to be

virtue

applied there-
to.

virtue of this act, as aforesaid, or any proportion thereof at a time; and if by like authority the same coined monies shall be actually brought and paid into the receipt of exchequer for that purpose, then the same shall be applied for or towards the paying off and discharging the same bills, or such proportion thereof, so far as such money will extend, by paying to the respective bearer or bearers of the same bill or bills then standing out, the principal and interest which shall be due thereupon, and by placing the same coined money, or any part thereof, in lieu of any the said exchequer-bills to be made forth by virtue of this act, which shall then be in the office or offices of any teller or tellers of the exchequer to answer such payments, whereunto the same bills for remaining in such office or offices shall then be legally subject or liable; which payments shall be answered with the said money in specie, under such penalties, forfeitures and disabilities as are prescribed by any former laws or statutes concerning the money for which such bills did lie in the exchequer, to prevent the diverting or misapplying the same; and from and after such payments to the bearer or bearers, or such placing of money in lieu of bills in the said office or offices of the said teller or tellers to answer such payments, as aforesaid (and not sooner) the several and respective bills themselves which shall be so paid off, or for which coined money shall be so placed, shall be cancelled; and the said governor and company of merchants of *Great Britain*, and their successors shall repay to the respective tellers so much interest as remained due upon the same bills respectively, at the time or times when they were last paid into the exchequer before the cancelling thereof; any thing in this or any former act or acts of parliament to the contrary notwithstanding.

If the bills be
not discharged
by 24 June
1717. they shall
be discharged
by the sinking
fund.

XCIV. And be it enacted by the authority aforesaid, That if before the said twenty fourth day of *June* one thousand seven hundred and twenty seven, coined money shall not be raised and brought into the exchequer, sufficient to pay off and discharge all the said exchequer-bills which shall be made forth by virtue of this act, that then and in such case, from and after the said twenty fourth day of *June* one thousand seven hundred and twenty seven, the said exchequer-bills to be made forth by virtue of this act, or so many of them as shall not have been paid off and discharged by such coined money, as aforesaid, shall be and are hereby charged upon and made payable by and out of the first money which shall, after the said twenty fourth day of *June* one thousand seven hundred and twenty seven, arise into the exchequer for or by the aforesaid surplusses, excesses, and overplus monies herein before denominated the sinking fund, or by or out of monies to be raised thereon by way of loan, after the said twenty fourth day of *June* one thousand seven hundred and twenty seven, and the same bills, or such of them as shall so remain unsatisfied, shall be cancelled and discharged in such manner as the commissioners of the treasury, or three or more of them, or the high treasurer for the time being shall direct; any former law or statute to the contrary notwithstanding.

XCVI. Pro-

XCVI. Provided always, and be it enacted, That the court of directors of the said governor and company of merchants of *Great Britain*, for the time being, (with the consent and approbation of the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, and not otherwise) may at any time or times after the end of the session of parliament which shall next happen after the twenty fourth day of *June* one thousand seven hundred and twenty one, by writing to be signed by the secretary of the same court, and to be affixed upon the exchange of *London*, and by publication in the *London Gazette*, declare and direct, if they shall so see cause, and think fit, the said bills to be made forth by virtue of this act, or any number or part of them, to carry a higher interest than the said rate of two pence *per centum per diem*, for such time or times as shall be mentioned in such writing or writings and publication, as aforesaid, so as the whole interest on such bills do not exceed the rate of three pence *per centum per diem*: and for the greater accommodation and ease of paying the bills to be made forth by virtue of this act, or any of them, to the receivers and collectors of the publick revenues, and into the receipt of exchequer, the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, have hereby power, at the request of the said court of directors of the governor and company of merchants of *Great Britain* for the time being, to make forth, or cause to be made forth, any of the said exchequer-bills to be made forth by virtue of this act, without bearing any interest; yet nevertheless those bills so made forth without bearing any interest, may from time to time, be made to carry such interest not exceeding the said rate of three pence *per centum per diem*, as the court of directors of the same company shall by writing signed by the said secretary, and to be affixed upon the exchange of *London*, and published in the *London Gazette*, signify and declare in that behalf.

XCVII. Provided always, and be it enacted by the authority aforesaid, That if at any time or times before the said twenty fourth day of *June* one thousand seven hundred and twenty seven, any exchequer-bills, or bills in the nature of exchequer-bills, shall be made forth or be current in the publick revenues or exchequer of *Great Britain*, or any part thereof, by authority of parliament (other than and except such exchequer-bills as shall be made forth by virtue and in pursuance of this act; and other than and except such exchequer-bills, or bills in the nature of exchequer-bills, as shall be issued by virtue of any other act of this session of parliament; and other than and except such exchequer-bills, or bills in the nature of exchequer-bills, as shall be circulated by virtue of any future act or acts of parliament upon the credit of the exchequer, or of the publick money which shall be brought into the exchequer, or of such money which the commissioners of the treasury, or high treasurer for the time being, shall be empowered by parliament to borrow, to support the currency of such exchequer-bills) then from and after such

Directors with consent of the treasury may, after the session of parliament which shall be after 24 June 1721,

declare, that the bills to be made forth by this act, shall carry a higher rate of interest.

Treasury at the request of the company may make forth bills without bearing interest.

If before 24 June 1727. any further exchequer-bills be made forth by parliament, the company shall not be obliged to exchange them.

cur-

currency of any exchequer-bills, or bills of the nature of exchequer-bills (other than and except, as aforesaid) the said governor and company of merchants of *Great Britain*, and their successors, shall not be obliged to furnish money for exchanging any exchequer-bills, pursuant to this act, or to bear or pay any interest, or proportion of interest, which from thenceforth shall grow due thereupon; any thing in this act contained to the contrary notwithstanding.

Treasury, out of the sinking fund, to defray the charges of executing this act.

XCVIII. Provided also, and it is hereby enacted by the authority aforesaid, That the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, shall have power, and he or they are hereby enabled to pay and allow, or cause to be paid and allowed, out of the monies to arise of or for the said surplusses, excesses, and overplus monies, commonly called the sinking fund, or of or for the increase thereof, to be made in consequence of this act, from time to time, as well to the respective managers and directors to be constituted for taking in the above mentioned annuities and debts, and performing such other matters as are by this act required to be performed by such managers and directors, and to the persons who shall be appointed for taking the said orders and tickets, and for performing such other matters as are by this act required to be performed by them, and to the said trustees, who shall be appointed for exchanging the said exchequer-bills, and for performing such other matters as are by this act required to be performed by those trustees respectively, such salaries and allowances for the charges, pains and service of themselves, and those who shall be employed under them respectively in those respective trusts, as they the said commissioners of the treasury, or any three or more of them, or the said high treasurer for the time being shall, from time to time, think just and reasonable in that behalf; and also to pay and allow, or cause to be paid and allowed out of the same monies arising as aforesaid, the necessary charges for taking in and cancelling the residuary exchequer-bills, and making forth new bills in lieu thereof, pursuant to this act; and to allow and pay, or cause to be allowed and paid out of the said money to arise as aforesaid, any reasonable charges for books, clerkship, or other matters and things which shall be necessarily incident in or for the execution of this act, or any part thereof, by or by the order or direction of such person or persons as shall be appointed thereunto, or employed therein by them the said commissioners of the treasury, or any three or more of them, or by the said high treasurer for the time being, and not otherwise; any thing in this or any other law or statute whatsoever to the contrary notwithstanding.

CAP. V.

An act for the better securing the dependency of the kingdom of Ireland upon the crown of Great Britain.

WHEREAS the house of lords of Ireland have of late, against law, assumed to themselves a power and jurisdiction to examine, *correct*

correct and amend the judgments and decrees of the courts of justice in the kingdom of Ireland: therefore for the better securing of the dependency of *Ireland* upon the crown of *Great Britain*, may it please your most excellent Majesty that it may be declared, and be it declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That the said kingdom of *Ireland* hath been, is, and of right ought to be subordinate unto and dependent upon the imperial crown of *Great Britain*, as being inseparably united and annexed thereunto; and that the King's majesty, by and with the advice and consent of the lords spiritual and temporal and commons of *Great Britain* in parliament assembled, had, hath, and of right ought to have full power and authority to make laws and statutes of sufficient force and validity, to bind the kingdom and people of *Ireland*.

The kingdom of Ireland is subordinate to Great Britain. The King and parliament of Great Britain may make laws to bind Ireland.

II. And be it further declared and enacted by the authority of the house of lords of *Ireland* have not, nor of right ought to have any jurisdiction to judge of, affirm or reverse any judgment, sentence or decree, given or made in any court within the said kingdom, and that all proceedings before the said house of lords upon any such judgment, sentence or decree, are, and are hereby declared to be utterly null and void to all intents and purposes whatsoever.

The house of lords of Ireland have not jurisdiction to judge of, affirm or reverse any judgment, &c. given in any court there; and their proceedings thereon are void.

C A P. VI.

An act for preventing the carriage of excessive loads of meal, malt, bricks and coals, within ten miles of the cities of London and Westminster.

WHEREAS one great decay of the roads within ten miles of the cities of London and Westminster, is occasioned by the very great loads of meal, malt, bricks and coals, of late brought and carried to and from the said cities: for preventing of which, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of *March* one thousand seven hundred and twenty, no person or persons shall or may carry, at any one load, in the said cities of *London* and *Westminster*, or within ten miles thereof, in waggons or carts having their wheels shod or bound with tire or streaks of iron, more than twelve sacks of meal, each sack containing five bushels and no more, nor more than twelve quarters of malt, nor more than seven hundred and a half of bricks, nor more than one chaldron of coals; and if any person or persons shall offend herein, they, or any of them, shall forfeit and lose any one of the horses, together with the gears, bridles and halters therewith used, to any person or persons that shall seize or distrain the same, in such manner and to such uses, as the penalties and forfeitures are directed to be levied and applied by an act passed the last session of

After March 25, 1720. none shall carry at one load in London, &c. in waggons, &c. whole wheels are bound with iron streaks, more than 12 sacks of meal, &c. on forfeiture of one of the horses, &c. to be recovered as by 5 Geo. 1. c. 12.

par- 18 Geo. 2. c. 33.

parliament, intituled, *An act for the making more effectual the several acts passed for repairing and mending the highways of this kingdom.*

C A P. VII.

An act for laying a duty of two pennies Scots, or one sixth part of a penny Sterling, upon every pint of ale or beer that shall be vended or sold within the town of Montrose and privileges thereof, for supplying the said town with fresh water, and for other purposes therein mentioned.

After June 24, 1720. for the term of 25 years, &c. a duty of two pennies Scots laid on every Scots pint of beer, &c. brewed, &c. in the town of Montrose, The trustees, with the consent of the overseers, may farm out the duty. *Continued by 7 Geo. 2. c. 5.*

C A P. VIII.

An act for laying a duty of two pennies Scots, or one sixth part of a penny Sterling, upon every Scots pint of beer or ale vended or sold within the town of Bruntisland and liberties thereof, for increasing the publick revenue of the said town, and for other purposes therein mentioned.

After June 24, 1720. for 25 years, &c. a duty of two pennies shall be paid for every Scots pint of ale and beer, brewed, &c. in the town of Bruntisland, payable by the brewers, &c. Trustees may mortgage the duty as a security for money, which shall be applied only to the purposes in this act. Trustees, with the consent of the overseers, may farm out the duty. *Revised by 20 Geo. 2. c. 26.*

C A P. IX.

An act for laying a duty of two pennies Scots, or one sixth part of a penny Sterling, upon every Scots pint of beer and ale that shall be vended or sold within the town of Pittenween and liberties thereof, for repairing the harbour there, and for maintaining other publick works of the said town.

After June 24, 1720, for 25 years, &c. a duty of two pennies Scots shall be laid on every Scots pint of ale and beer brewed, &c. in the town of Pittenween. Trustees may assign the duty as a security for money; which shall be applied only to the same purposes, as the duty by this act is directed.

C A P. X.

An act for making forth new exchequer-bills not exceeding one million at a certain interest; and for lending the same to the South-Sea company at an higher interest, upon security of repaying the same and such high interest into the exchequer for uses to which the fund for lessening the publick debts (called the sinking fund) is applicable; and for circulating and exchanging upon demand the said bills at or near the exchequer.

I. M A Y it please your most excellent Majesty, Whereas in and by an act of parliament of the third year of your Majesty's reign, intituled, An act for redeeming the duties and revenues which were settled to pay off principal and interest on the orders made forth on four lottery-acts passed in the ninth and tenth years of her late Majesty's reign, and for redeeming certain annuities payable on orders out of the hereditary excise, according to a former act in that behalf; and for establishing a general yearly fund, not only for the future payment of annuities at several rates, to be payable and transferable at the bank of England and

3 Geo. 1. c. 7.

5 Geo. 1. c. 3. &c.

5 Geo. 1. c. 19.

For further provisions relating

to this act, see

7 Geo. 1. stat. 1.

c. 5. sect. 38. &c.

8 Geo. 1. c. 20.

and redeemable by parliament; but also to raise money for such proprietors of the said orders, as shall chuse to be paid their principal and arrears of interest in ready money; and for making good such other deficiencies and payments, as in this act are mentioned; and for taking off the duties on linseed imported and British linen exported, it was enacted and declared, That the monies which should from time to time arise by certain surplusses, excesses and overplus monies therein specified, should be appropriated, reserved and employed to and for the discharging the principal and interest of such national debts and incumbrances as were incurred before the twenty fifth day of December one thousand seven hundred and sixteen, and were declared to be national debts, and were provided for by act of parliament, in such manner and form as should be directed or appointed by any future act or acts of parliament to be discharged therewith or out of the same: and whereas by an act of parliament of the fifth year of your Majesty's reign, intituled, An act for applying certain overplus monies and further sums to be raised, as well by way of a lottery as by loans, towards paying off and cancelling exchequer-bills, and for lessening the present great charge in relation to those bills; and for circulating and exchanging for ready money the residue of the same bills for the future, it was provided and enacted, That so much of the said excesses, surplusses or overplus monies arising quarterly after the feast of the annunciation of the Blessed Virgin Mary which was in the year of our Lord one thousand seven hundred and nineteen, as should amount to the full sum of five hundred and twenty thousand pounds (no loans having been made by that act to supply the same) should and might be applied towards discharging and cancelling the principal and interest due or to be due on the exchequer-bills therein mentioned, until such time as the full sum or value of five hundred and twenty thousand pounds in principal and interest on such exchequer-bills should be paid off, discharged and cancelled, as by the said several acts of parliament, relation being thereunto had, may more fully appear; which monies so arising by the said surplusses, excesses and overplusses are commonly called the sinking fund, and are likely to be very much increased; and a considerable part of the said sum of five hundred and twenty thousand pounds, out of the produce thereof, hath been applied towards discharging and cancelling the said exchequer-bills, and the residue of the said five hundred and twenty thousand pounds, as the monies of the said fund shall come into the exchequer, will be applicable to the same use, according to the tenor of the said act of parliament in that behalf: and whereas the sum of three hundred twenty eight thousand six hundred seventy three pounds four shillings and ten pence halfpenny was advanced by the governor and company of merchants of Great Britain trading to the South-Seas and other parts of America, pursuant to an act of the fifth year of your Majesty's reign, intituled, An act for redeeming the fund appropriated for payment of the lottery-tickets, which were made forth for the service of the year one thousand seven hundred and ten, by a voluntary subscription of the proprietors into the capital stock of the South-Sea company; and for raising a sum of money to pay off such debts and incumbrances as are therein mentioned;

5 Geo. 1. c. 1.

5 Geo. 1. c. 19.

ed; and for appropriating the supplies granted in this session of parliament; and to limit times for prosecutions upon bonds for exporting cards and dice, and the said sum of three hundred twenty eight thousand six hundred seventy three pounds four shillings and ten pence halfpenny doth, on the fourth day of April one thousand seven hundred and twenty, remain in the receipt of your Majesty's exchequer: and whereas in order to the lessening the debts of this nation, it is thought convenient that a power be given to the commissioners of your Majesty's treasury, or the high treasurer for the time being, at any time or times within one year, and from thence to the end of the then next session of parliament, and by such proportions at a time as he or they shall find to be most for the advantage of the publick, to make forth or cause to be made forth at the exchequer any number of new exchequer-bills, so as all the principal sums to be contained therein do not in the whole exceed one million of pounds (over and above the exchequer-bills to be made forth pursuant to another act of this session of parliament in that behalf;) and that the said new exchequer-bills bear an interest not exceeding the rate of two pence per centum per diem; and that as well the said sum of money now remaining in the exchequer as aforesaid, as also the monies to arise quarterly by the said surplusses, excesses and overplusses, commonly called the sinking fund (after the said sum of five hundred and twenty thousand pounds shall be applied for discharging and cancelling exchequer-bills as aforesaid, or reserved in the exchequer for that purpose) be made a fund or security for answering all demands of principal and interest which shall be so authorized to be made forth; and that the said commissioners of the treasury, or high treasurer for the time being, be also empowered to issue such new exchequer-bills, by way of loan or advance, to the company commonly called the South-Sea company, or to some person or persons in trust for them, the said company giving security upon their present or to be increased annuity or weekly payment out of the exchequer, for the repayment of the principal sum so lent, with an interest not exceeding the rate of five pounds per centum per annum: now we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do therefore most humbly beseech your Majesty, that it may be enacted, &c. *E X P.*

6 Geo. 1. c. 4.

The commissioners of the treasury are authorized at any time within one year, from the tenth of May one thousand seven hundred and twenty, and to the end of the next session of parliament, to make exchequer-bills, so as the principal sums do not exceed one million (over and above the exchequer-bills which are to be current, pursuant to the act 6 Geo. 1. c. 4.) and the said bills shall bear interest two pence per centum per diem. Treasury may lend such bills to the South-Sea company at 5l. per cent. on security, &c. On non-payment, treasury may stop the weekly payments to the company. The sinking fund appropriated for circulating the new bills. Treasury may borrow money for circulating the new bills, at 5l. per cent. Tallies and orders to be struck for the same, &c. What shall not be interpreted undue preference. Orders assignable and transferrable. Trustees to exchange for ready money at their office all bills brought to them. Ready money may be demanded for bills on which six months interest is due. Trustees not incapacitated from being members of parliament. These bills to be current in the revenue. If received at the exchequer, to be locked up as cash. Receivers, &c. out of the monies in their hands to exchange the bills. Tallies to be struck for such bills lent into the
exche-

exchequer. Interest due on bills to be allowed by receivers, &c. No interest on the bills in the receivers hands, or in the exchequer. Persons paying bills to receivers, &c. to indorse their names, and time when paid in; and the time of re-issuing to be indorsed. Bills re-issued to bear the same interest as when paid in. Receivers general to keep books for money received. Penalty on receivers. Bills filled up by indorsement, &c. Exchequer to make forth new ones. Bills for large sums not exceeding 5000l. each, may be issued. Forging these bills, felony. Trustees to have the cheques, &c. of the bills. If provision be made by parliament of money to discharge the bills or any part thereof, the same to be applied thereto, &c. Treasury at the request of the South-Sea company may make forth bills without bearing interest. Treasury out of the sinking fund to defray the charges of executing this act.

CAP. XI.

An act for laying a duty upon wrought plate; and for applying money arising for the clear produce (by sale of the forfeited estates) towards answering his Majesty's supply; and for taking off the drawbacks upon hops exported for Ireland; and for payment of annuities to be purchased after the rate of four pounds per centum per annum at the exchequer, redeemable by parliament; and for appropriating supplies granted in this session of parliament; and to prevent counterfeiting receipts and warrants of the officers of the South Sea company; and for explaining a late act concerning foreign salt cellared and locked up before the four and twentieth day of June one thousand seven hundred and nineteen; and to give a further time for paying duties on certain apprentices indentures; and for relief of Thomas Vernon, esq; in relation to a parcel of senna imported in the year one thousand seven hundred and sixteen.

MAY it please your most excellent Majesty, Whereas by several laws and statutes of this realm now in force it is provided and enacted, That no goldsmith, silversmith or other person whatsoever shall work or make, or cause to be wrought or made, any silver vessel, plate or manufacture of silver, less in fineness than that of eleven ounces and ten-penny weight of fine silver in every pound Troy, nor put to sale, exchange or sell any silver vessels, plate or manufacture of silver (except as in the said statutes, or some of them, are severally excepted) until such time as such vessel, plate or manufactured silver shall be touched, assayed and marked at the respective cities or places in the said statutes mentioned, and by such corporations, officers or persons as are thereby respectively intrusted for touching assaying and marking the same, under such pains, penalties and forfeitures as in and by the same laws and statutes are prescribed, as by the said several laws and statutes (relation being thereunto severally had) may more plainly and fully appear: and whereas it is found by experience, That the silver vessels, plate and manufactures of silver, which were made according to the old standard of eleven ounces and two-penny weight of fine silver (which standard was altered by an act made in the

1 Ed. 1. stat.
3. c. 20.
2 Hen. 6. c. 14.
4 Hen. 7. c. 2.
18 Eliz. c. 15.
For the applica-
tion of the sur-
plus arising
from this act, see
7 Geo. 1. stat.
1. c. 20. sect. 29.

ed; and for appropriating the supplies granted in this session of parliament; and to limit times for prosecutions upon bonds for exporting cards and dice, and the said sum of three hundred twenty eight thousand six hundred seventy three pounds four shillings and ten pence halfpenny doth, on the fourth day of April one thousand seven hundred and twenty, remain in the receipt of your Majesty's exchequer: and whereas in order to the lessening the debts of this nation, it is thought convenient that a power be given to the commissioners of your Majesty's treasury, or the high treasurer for the time being, at any time or times within one year, and from thence to the end of the then next session of parliament, and by such proportions at a time as be or they shall find to be most for the advantage of the publick, to make forth or cause to be made forth at the exchequer any number of new exchequer-bills, so as all the principal sums to be contained therein do not in the whole exceed one million of pounds (over and above the exchequer-bills to be made forth pursuant to another act of this session of parliament in that behalf;) and that the said new exchequer-bills bear an interest not exceeding the rate of two pence per centum per diem; and that as well the said sum of money now remaining in the exchequer as aforesaid, as also the monies to arise quarterly by the said surplusses, excesses and overplusses, commonly called the sinking fund (after the said sum of five hundred and twenty thousand pounds shall be applied for discharging and cancelling exchequer-bills as aforesaid, or reserved in the exchequer for that purpose) be made a fund or security for answering all demands of principal and interest which shall be so authorized to be made forth; and that the said commissioners of the treasury, or high treasurer for the time being, be also empowered to issue such new exchequer-bills, by way of loan or advance, to the company commonly called the South-Sea company, or to some person or persons in trust for them, the said company giving security upon their presents or to be increased annuity or weekly payment out of the exchequer, for the repayment of the principal sum so lent, with an interest not exceeding the rate of five pounds per centum per annum: now we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do therefore most humbly beseech your Majesty, that it may be enacted, &c. *EXP.*

The commissioners of the treasury are authorized at any time within one year, from the tenth of May one thousand seven hundred and twenty, and to the end of the next session of parliament, to make exchequer-bills, so as the principal sums do not exceed one million (over and above the exchequer-bills which are to be current, pursuant to the act 6 Geo. 1. c. 4.) and the said bills shall bear interest two pence per centum per diem. Treasury may lend such bills to the South-Sea company at 5l. per cent. on security, &c. On non-payment, treasury may stop the weekly payments to the company. The sinking fund appropriated for circulating the new bills. Treasury may borrow money for circulating the new bills, at 5l. per cent. Tallies and orders to be struck for the same, &c. What shall not be interpreted undue preference. Orders assignable and transferrable. Trustees to exchange for ready money at their office all bills brought to them. Ready money may be demanded for bills on which six months interest is due. Trustees not incapacitated from being members of parliament. These bills to be current in the revenue. If received at the exchequer, to be locked up as cash. Receivers, &c. out of the monies in their hands to exchange the bills. Tallies to be struck for such bills lent into the exche-

exchequer. Interest due on bills to be allowed by receivers, &c. No interest on the bills in the receivers hands, or in the exchequer. Persons paying bills to receivers, &c. to indorse their names, and time when paid in; and the time of re-issuing to be indorsed. Bills re-issued to bear the same interest as when paid in. Receivers general to keep books for money received. Penalty on receivers. Bills filled up by indorsement, &c. Exchequer to make forth new ones. Bills for large sums not exceeding 5000l. each, may be issued. Forging these bills, felony. Trustees to have the cheques, &c. of the bills. If provision be made by parliament of money to discharge the bills or any part thereof, the same to be applied thereto, &c. Treasury at the request of the South-Sea company may make forth bills without bearing interest. Treasury out of the sinking fund to defray the charges of executing this act.

C A P. XI.

An act for laying a duty upon wrought plate, and for applying money arising for the clear produce (by sale of the forfeited estates) towards answering his Majesty's supply; and for taking off the drawbacks upon hops exported for Ireland; and for payment of annuities to be purchased after the rate of four pounds per centum per annum at the exchequer, redeemable by parliament; and for appropriating supplies granted in this session of parliament; and to prevent counterfeiting receipts and warrants of the officers of the South Sea company; and for explaining a late act concerning foreign salt cellared and locked up before the four and twentieth day of June one thousand seven hundred and nineteen; and to give a further time for paying duties on certain apprentices indentures; and for relief of Thomas Vernon, esq; in relation to a parcel of senna imported in the year one thousand seven hundred and sixteen.

MAY it please your most excellent Majesty, Whereas by several laws and statutes of this realm now in force it is provided and enacted, That no goldsmith, silversmith or other person whatsoever shall work or make, or cause to be wrought or made, any silver vessel, plate or manufacture of silver, less in fineness than that of eleven ounces and ten-penny weight of fine silver in every pound Troy, nor put to sale, exchange or sell any silver vessels, plate or manufacture of silver (except as in the said statutes, or some of them, are severally excepted) until such time as such vessel, plate or manufactured silver shall be touched, assayed and marked at the respective cities or places in the said statutes mentioned, and by such corporations, officers or persons as are thereby respectively intrusted for touching assaying and marking the same, under such pains, penalties and forfeitures as in and by the same laws and statutes are prescribed, as by the said several laws and statutes (relation being thereunto severally had) may more plainly and fully appear: and whereas it is found by experience, That the silver vessels, plate and manufactures of silver, which were made according to the old standard of eleven ounces and two-penny weight of fine silver (which standard was altered by an act made in the

28 Ed. 1. stat.
3. c. 20.
2 Hen. 6. c. 14.
4 Hen. 7. c. 2.
18 Eliz. c. 15.
For the applica-
tion of the sur-
plus arising
from this act, see
7 Geo. 1. stat.
1. c. 20. sect. 29.

8 & 9 W. 3.
c. 8.

eighth year of the reign of your Majesty's royal predecessor King William the Third, of glorious memory, intituled, An act for encouraging the bringing in wrought plate to be coined, are more serviceable and durable than the silver vessels, plate and manufactures of silver which have been made according to the said standard of eleven ounces and ten-penny weight of fine silver in every pound Troy: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That the said old standard of eleven ounces and two-penny weight of fine silver at least, to be contained in every pound weight Troy of silver vessels, plate or other manufactures of silver made or to be made or wrought, after the first day of June one thousand seven hundred and twenty, shall be restored, revived and take place instead of the said new standard of eleven ounces and ten-penny weight of fine silver at least in every such pound Troy.

The old standard of 11 oz. 2 d. wt. restored.

After 1 June 1720, no goldsmith, &c. obliged to work any plate according to the new standard of 11 oz. 10 d. wt. &c.

II. And be it enacted by the authority aforesaid, That from and after the said first day of June one thousand seven hundred and twenty, no goldsmith, silversmith or plate worker shall be obliged, by force or virtue of the said former laws and statutes, or any of them, to work or make, or cause to be wrought or made any silver vessel, plate or manufacture of silver, according to the said new standard of eleven ounces and ten-penny weight of fine silver at least in every pound Troy, or be restrained from putting to sale, exchanging or selling any silver vessels, plate or manufactures of silver, so as the same do contain eleven ounces and two-penny weight of fine silver at least, in every pound Troy, and be touched, assayed and marked in such manner and form, as in and by the said former laws and statutes, and by this present act, are provided and established for touching, assaying and marking the same.

After 1 June 1720, no goldsmith, &c. to work or put to sale any plate less in fineness than 11 oz. 2 d. wt. 82 Geo. 2. c. 26.

III. Provided always, and it is hereby enacted by the authority aforesaid, That from and after the said first day of June one thousand seven hundred and twenty, no goldsmith, silversmith or other person whatsoever shall work or make, or cause to be wrought or made, any silver vessel, plate or manufacture of silver, less in fineness than that of eleven ounces and two-penny weight of fine silver in every pound Troy, or shall put to sale, exchange or sell any silver vessel, plate or manufacture of silver, made after the said first day of June one thousand seven hundred and twenty (unless it be silver wire, or such things as in respect of their smallness are not capable of receiving a mark) until such time as such vessel, plate or manufacture of silver shall be touched, assayed and marked in manner and form prescribed by the said laws and statutes, or any of them, for touching, assaying and marking of the said standard of eleven ounces and ten-penny weight fine at least in every pound Troy, in case the same standard had continued; and that all and every the rules, directions, powers, privileges, pains, penalties, forfeitures, clauses, matters and things, enacted or provided in or by any of the former laws

To be marked as prescribed by the laws for assaying of the standard of 11 oz. 10 d. wt.

Which laws are hereby continued.

laws and statutes of this realm, which at or until the time of making this act were or are in force for preserving or securing the said standard of eleven ounces and ten-penny weight of fine silver at least in every pound *Troy*, or for touching, assaying, marking or allowing for good the silver plate of that standard, shall be continued, applied, practised and put in execution for preserving and securing the standard of eleven ounces and two-penny weight of fine silver at least in every pound *Troy* (by this act revived and intended to be established) and for the touching, assaying, marking and allowing the same, as fully and effectually to all intents and purposes, as if the same rules, directions, powers, privileges, pains, penalties, forfeitures, clauses, matters and things, were again particularly repeated and re-enacted in and by this present act; any thing in the said former laws or statutes, or any of them, contained to the contrary notwithstanding.

IV. And we your Majesty's most dutiful and loyal subjects, the said commons of *Great Britain* in parliament assembled, being fully resolved to furnish such supplies as are necessary for defraying the expences and occasions of the publick, have for that end and purpose cheerfully and unanimously given and granted, and do by this act give and grant to your Majesty the several and respective rates and duties herein after mentioned, for and upon all silver plate to be made or wrought in *Great Britain*, or to be imported or brought into the same, and such further sum and sums of money as are herein specified and appointed, in such manner and form as are herein after more particularly expressed, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the authority aforesaid, That there shall be raised, levied, collected, answered and paid unto and for the use of his Majesty, his heirs and successors for ever, (subject nevertheless to such redemption as in and by this act is afterwards provided in this behalf) for and upon all silver plate which shall be imported or brought into the kingdom of *Great Britain*, and for and upon all silver plate to be made or wrought within the same kingdom, the several and respective rates or duties following; (that is to say) For and upon all silver plate made or to be made, which at any time or times after the first day of *June* one thousand seven hundred and twenty shall be imported or brought into the said kingdom of *Great Britain* (over and above all other customs, subsidies and duties already imposed thereupon) a duty after the rate of six pence for every ounce *Troy*, and proportionally for greater or lesser quantities, to be paid down in ready money by the importer thereof, from time to time, before the landing of the same; and for and upon all silver plate which shall be made or wrought in *Great Britain*, or at any time or times, from and after the said first day of *June* one thousand seven hundred and twenty, shall or ought to be touched, assayed or marked in *Great Britain* as aforesaid, a duty after the rate of six pence for every ounce *Troy*, and proportionally for any greater or lesser quantity, to be paid by the maker

From 1 June 1720, silver plate imported, or made in Great Britain, to pay 6d. per oz. Explained by 7 Geo. 1. stat. 1. c. 28. s. 34.

ers or workers thereof respectively, and to be secured to be paid in such manner and form as in and by this act are afterwards prescribed in that behalf.

The duty on plate imported to be levied as the duty on gilt or silver wire, so Ann. c. 26.

V. And be it enacted by the authority aforesaid, That the said duties by this act imposed upon wrought plate to be imported shall be raised, levied, recovered and paid, and be brought into the exchequer (to and for the uses and purposes in this act expressed) by such rules, ways, means and methods, and under such penalties and forfeitures, and with such allowances, and in such manner and form, as the duties upon gilt and silver wire imported, imposed by an act of the tenth year of the reign of her said late majesty Queen *Anne*, or by any act of parliament relating thereto, are prescribed and appointed to be raised, levied, recovered, answered and paid.

His Majesty or treasury to appoint commissioners for plate wrought in Great Britain;

VI. And for the better ascertaining, charging and securing the duty by this act set and imposed upon silver plate to be made or wrought, or to be touched, assayed or marked in *Great Britain*, as aforesaid; it is hereby further enacted by the authority aforesaid, That such commissioners or persons as his Majesty, his heirs or successors, or the commissioners of the treasury, or any three or more of them, or the high treasurer of *Great Britain*, for the time being, shall from time to time, by one or more commission or commissions for that purpose, appoint, shall be his Majesty's commissioners for the receipt and management of the said duties by this act set and imposed upon the said silver plate, to be made or wrought in *Great Britain*, or to be touched, assayed and marked as aforesaid; which said commissioners, or the major part of them respectively, shall, and have hereby power, by commissions under their respective hands and seals, to substitute and appoint under them such officers as shall be requisite in that behalf; and that the same commissioners and officers for the said duties on wrought plate shall have out of those duties such salaries and rewards for their services therein, as the said commissioners of the treasury, or any three or more of them, or the said high treasurer for the time being, shall think reasonable to establish and allow in that behalf; and that the respective commissioners for the said duties on wrought plate to be made, touched, assayed or marked in *Great Britain* as aforesaid, for the time being, shall from time to time cause all the money to arise of or for the said duties on plate to be made, wrought, touched, assayed or marked in *Great Britain* as aforesaid (the necessary charges of management excepted) to be paid, as the same shall arise, into the receipt of his Majesty's exchequer in *England*, for the uses and purposes in this act expressed.

who are to substitute inferior officers.

The money arising by this duty to be paid into the exchequer.

Goldsmiths, &c. to give notice at the next office of their names and work-houses, on forfeiture of so l.

VII. And be it further enacted by the authority aforesaid, That every goldsmith, silversmith or other manufacturer, who at any time or times after the said first day of *June* one thousand seven hundred and twenty shall work or make in *Great Britain* any silver vessel, plate or manufacture of silver, shall give notice in writing at the next office for the said duties on wrought plate of their respective names and places of abode, and of the houses

or

or places by them respectively made use of for the working or making of silver plate or manufactures of silver, upon pain to forfeit the sum of twenty pounds for every offence in making or working, or causing to be made or wrought, any such plate or manufacture of silver in any house or place after the said first day of *June* one thousand seven hundred and twenty, without having first notified the same as aforesaid.

VIII. And it is hereby enacted, That from and after the said Goldsmiths to first day of *June* one thousand seven hundred and twenty, during the continuance of the said duty on wrought plate, all and every the goldsmiths, silversmiths and other manufacturers, who shall make or cause to be made or wrought any plate liable to the duty by this act intended to be charged thereupon, shall once in every month make a true entry in writing at the next office for the said duties of all the silver plate or manufactures of silver by them severally made or wrought within such month respectively; which entry shall contain the weight and kinds of of all the silver plate and manufactures mentioned therein, and how much thereof respectively was made in each week, on pain to forfeit for every neglect of entry the sum of one hundred pounds; and every such entry shall be made upon the oath of the manufacturer or other person for whom the plate was made, or of the chief workman employed therein, or (if he or she be a Quaker) then upon his or her solemn affirmation to the best of their respective knowledge and belief; which entries, oaths and affirmations shall and may be made with and administered by such officer or officers as shall be appointed to take the same, without any fee or charge whatsoever.

enter at the next office monthly, on forfeiture of 100l.
Entries to be made on oath or solemn affirmation.

IX. And be it further enacted by the authority aforesaid, That every goldsmith, silversmith and other person, who shall make and work, or cause to be made or wrought, any plate or manufacture of silver liable to the said duty by this act granted, shall from time to time, within six weeks after they respectively shall make or ought to have made such entry as aforesaid, pay and clear off all the said duties for plate or manufactures of silver, which shall be due from them respectively, upon pain of forfeiting double the sum of the said duty whereof the payment shall have been so refused or neglected.

They are to clear off the duties in six weeks,
on forfeiture of double the duty.

X. And it is hereby enacted, That all and every the officers for the said duties on wrought plate or manufactures of silver shall, at all times in the day-time, be permitted, upon his or their request, to enter the workhouse or other place which shall be made use of by any maker or worker of such plate for the making or working of such plate or manufactures of silver liable to the said duty, and to take an account of the just weight of such silver plate or manufactures which shall have been so made or wrought from time to time; and shall thereof make return in writing to the said commissioners of the said duty, or such as they shall appoint to receive the same from time to time, leaving a true copy thereof (if demanded) with the maker of the said silver plate or manufactures, upon whom such return of the

Officers may enter workhouses, &c. in the day-time to take an account of all plate liable to the duty,
and make a return to the commissioners, leaving a copy with the maker, on forfeiture of 40s.

said officer shall be a charge; and if the said officer shall refuse to give or leave such copy (being demanded as aforesaid) every such officer for every such offence shall forfeit the sum of forty shillings to every such maker or manufacturer.

Officers to be sworn.

XI. Provided always, That every officer who shall be empowered to make such charge as aforesaid, shall in the first place be sworn for the due and faithful execution of his office; which oath shall and may be administered by all or any the commissioners of the said duty on plate, or by any justice of the peace, who shall give to such officer a certificate thereof: and all persons chargeable with the said duty on plate are hereby required to keep sufficient and just scales and weights at the place or places where he, she or they do make such plate, and permit and assist the officer to make use thereof for the purposes aforesaid, under the penalty of ten pounds, to be forfeited and lost for not keeping such scales and weights, or for not permitting and assisting the officer to use the same as aforesaid.

Makers to keep just scales and weights, &c on forfeiture of 10l.

Obstructing officer, forfeits 20l.

XII. And be enacted, That if any maker or worker of plate or manufactures of silver shall obstruct or hinder any of the said officers in the execution of any the powers given to him or them by this act, for ascertaining and securing the said duties upon plate or manufactures of silver, the person or persons offending therein shall for every such offence forfeit the sum of twenty pounds.

Makers not to remove plate without due notice, on pain of 40l.

XIII. And it is hereby further enacted, That no maker or manufacturer, who shall make or work or cause to be made or wrought any plate or manufacture of silver as aforesaid, after the said first day of *June* one thousand seven hundred and twenty, during the continuance of the said duty, shall (under pain of forfeiting forty pounds for every offence) remove, carry or send away, or suffer to be removed, carried or sent away any such plate or manufacture of silver, by or for him, her or them made or wrought, of which no account shall have been first taken by the proper officer of the said duty, from the workhouse or place where the same shall have been made or wrought, without giving to the proper officer four and twenty hours notice at least of his, her or their intention to remove, carry or send away the same, that so the said officer (without his own wilful default) may have time to weigh and take an account thereof.

Plate not surveyed to be kept separate, on pain of 10l.

XIV. And for better ascertaining the said duties upon plate and manufactures of silver hereby chargeable as aforesaid, it is hereby enacted, That all persons, by or for whom any such plate or manufactures shall be made or wrought, shall from time to time keep all the plate or manufactures of silver so made or wrought, and which shall not have been surveyed and taken an account of, separate and apart from all the silver plate or manufactures which shall have been surveyed and taken an account of as aforesaid, for the space of four and twenty hours after the making or working the same, unless such plate or manufactures of silver shall have been sooner surveyed and taken an account of
by

by the said proper officer, on pain to forfeit for every offence therein the sum of ten pounds.

XV. And it is hereby enacted, That if any of the said persons, by or for whom any such plate or manufactures of silver shall be made or wrought as aforesaid, shall fraudulently hide or conceal, or cause to be hid or concealed, any silver plate or manufactures chargeable by this act, with intent to defraud his Majesty, his heirs and successors, then and in every such case the offender shall forfeit the sum of twenty pounds for every such offence.

XVI. And it is hereby further enacted, That all plate and other manufactures of silver, which shall be found in a private workhouse, and all private utensils for making or working such plate or manufactures, of which no notice shall have been given pursuant to this act, shall be forfeited and lost, and the same, or the value thereof, shall and may be seized and recovered by any officer of the said duty on plate and manufactures of silver, for the King's use.

XVII. And it is hereby further enacted by the authority aforesaid, That all such plate and manufactures of silver, and all the materials and utensils for making the same, in the custody of any maker or makers of such plate or manufactures, or any person or persons, to the use of or in trust for such maker or makers of such plate or manufactures, shall be liable and subject to, and are hereby made chargeable with all the debts and duties for plate or manufactures of silver in arrear and owing by such maker or makers, worker or workers respectively, for any plate or manufactures of silver made by him, her or them, or in his, her or their work-houses or places aforesaid, and also be subject to all penalties and forfeitures incurred by such person or persons, for using such work-house or other place, for any offence against this act relating to the said duty upon plate or manufactures of silver; and that it shall and may be lawful in all such cases to levy debts and penalties, and use such proceedings, as may lawfully be done in case the debtor or offender were the true and lawful owner of the same.

XVIII. Provided always, and it is hereby enacted by the authority aforesaid, That in case any person or persons whatsoever shall, at any time or times after the said first day of *June* one thousand seven hundred and twenty, during the continuance of the duty by this act imposed upon wrought plate or manufactures of silver, export by way of merchandize for any foreign parts, any wrought plate or manufactures of silver by this act charged or chargeable with the said duty of six pence *per* ounce, and the same shall appear to have been made or marked as aforesaid, after the said first day of *June* one thousand seven hundred and twenty, and shall give sufficient security before the shipping thereof for exportation, that the particular quantities of such plate or manufactures of silver, intended to be exported as aforesaid, and every part thereof, shall not be relanded or brought again into *Great Britain*, and shall make proof upon oath, or

Plate concealed
forfeits 20*l*.

Plate found in
private work-
house, &c.
forfeited.

Plate and ma-
terials charge-
able with the
duties in ar-
rear, &c.

On oath that
the duty has
been paid,
and on debenture
from the
customer, &c.
exporter of
plate may
draw back the
duty.
12 Geo. 1. c. 26.

by such affirmation respectively, as aforesaid, that the same silver plate or manufactures were actually made or marked as aforesaid, after the said first day of *June* one thousand seven hundred and twenty, (which securities shall be taken in the King's name, and to his use, and the said oaths and affirmations shall be administered by the customer or collector of the respective port for such exportation) that then and in every such case the said customer or collector shall give to the exporter thereof a debenture expressing the true kinds and quantities of such plate and manufactures of silver so exported, or shipped to be exported; and the exportation or shipping thereof being certified by the searcher upon the said debenture, the collector or receiver of the said duty on plate (upon producing the said debenture so certified to him) shall forthwith pay a drawback or allowance, after the rate of six pence for every ounce of such plate or manufactures of silver out of the money of the said duty on plate or manufactures of silver then in the hands of such receiver or collector, without fee or reward; and if such receiver or collector shall not have money in his hands to pay any such debenture, then the respective commissioners of the said duty upon plate or manufactures of silver, are hereby required to pay or cause to be paid, the said debenture out of any the same duties arising by this act; any thing herein contained to the contrary notwithstanding.

All the powers in 12 Car. 2. c. 24. and other excise-acts, to be in force for managing these duties.

XIX. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, directions, rules, methods, penalties, forfeitures, clauses, matters and things, which in and by an act made in the twelfth year of the reign of King *Charles* the Second, intituled, *An act for taking away the court of wards and liveries, and tenures in capite, and by knight's service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*, or by any other law now in force relating to his Majesty's revenues of excise upon beer, ale, or other liquors, are provided, settled or established, for managing, raising, levying, collecting, mitigating or recovering, adjudging or ascertaining the duties thereby granted, or any of them, (other than in such cases for which other penalties or provisions are made and prescribed by this act) shall be exercised, practised, applied, used and put in execution, in and for the managing, raising, levying, collecting, mitigating, recovering, and paying the said duty upon plate or manufactures of silver hereby granted, during the continuance of this act, as fully and effectually, to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, forfeitures, clauses, matters and things, were particularly repeated and again enacted in the body of this present act.

All fines, &c. to be sued for as by the laws of excise.

XX. And be it further enacted by the authority aforesaid, That all fines, penalties and forfeitures in relation to the said duty by this act imposed upon plate or manufactures of silver, shall be sued for, levied and recovered, or mitigated, by such ways, means and methods, as any fine, penalty, or forfeiture is or may be recovered or mitigated by any law or laws of excise,

cise, or by any action of debt, bill, plaint or information in any of his Majesty's courts of record at *Westminster*, or in the court of session, court of justiciary, or court of exchequer in *Scotland* respectively, and that one moiety of such fine, penalty or forfeiture, relating to the said duty on plate or manufactures of silver, (not otherwise directed by this act) shall be to his Majesty, his heirs and successors, and the other moiety to him or them that shall discover, inform or sue for the same.

XXI. Provided always, and it is hereby enacted by the authority aforesaid, That such persons as shall be, in pursuance of this act, appointed commissioners for the duty on plate or manufactures of silver, to be made in *England*, *Wales*, or *Berwick* upon *Tweed*, shall and may have and exercise the same or or like jurisdiction, power and authority, and may adjudge, determine, mitigate, or order, in all causes and matters relating to the said duties on plate or manufactures of silver arising within the limits aforesaid, as the commissioners of excise upon beer, ale and other liquors, may or lawfully can exercise, adjudge, determine, mitigate, or order in the like cases or matters in relation to the said duty of excise, by any law or statute now in force.

Commissioners for these duties to have the same jurisdiction as commissioners of excise.

XXII. And it is hereby enacted and declared by the authority aforesaid, That all the said duties upon plate and other manufactures of silver, made or wrought in this realm, or imported into the same, as aforesaid, shall be liable to and chargeable with the yearly fund herein after mentioned, and all the annuities to be payable out of the same in pursuance of this act, subject nevertheless to such redemption as is herein after mentioned; and all the same rates and duties upon plate and manufactures of silver (except the necessary charges before-mentioned) are and shall be appropriated thereunto, in such manner, that all the monies which shall, from time to time, be or remain due or in arrear for and upon the same annuities, or any of them, or for any arrears thereof, if any such be, shall from time to time, in the first place, be paid and satisfied out of the said duties upon plate or manufactures of silver, by this act granted, or so far as the same duties will extend, with preference to any other payments that shall or may hereafter be charged thereupon, and under such penalties, forfeitures and disabilities, as are hereafter in this act contained in that behalf.

Duty on plate chargeable with the yearly fund for annuities.

XXIII. And to the end all the monies to arise by this act for the said duties upon plate and manufactures of silver may be duly and certainly raised and brought into the said receipt of exchequer for the purposes aforesaid, it is hereby further enacted by the authority aforesaid, That from time to time, during the continuance of this act, there shall be appointed such and so many commissioners of the customs and excise, and other officers as shall be proper and necessary for the raising, and levying the respective duties and sums of money by this act granted or chargeable, and for keeping and rendering the accounts of the same; and that all receivers general, collectors, and other officers, who are or shall be concerned in the raising, collecting, receiving

Commissioners and officers to be appointed, who are to be liable to the penalty of 9 & 10 W. 3. c. 44.

9 & 10 W. 3.
c. 44

13000l. the
yearly fund.

Deficiency to
be made good
out of the
sinking fund,
&c.

receiving and paying the said respective duties hereby granted, or any of them, and keeping and rendering the several accounts thereof, shall perform their several duties therein, as to them respectively shall appertain, under such and the like penalties, forfeitures and disabilities, for any offence or neglect therein, or for detaining, diverting, or misapplying any part of the said monies, as are prescribed and to be inflicted by virtue of an act of parliament made and passed in the ninth year of the reign of his late majesty King *William* the Third, intituled, *An act for raising a sum, not exceeding two millions upon a fund for payment of annuities after the rate of eight pounds per centum per annum, and for settling the trade to the East Indies*, for the like offence or neglect relating to the duties on salt, and upon stampd vellum, parchment and paper thereby granted or referred unto, or for detaining, diverting or misapplying any part of the monies which were granted or appropriated by the act last mentioned.

XXIV. And be it enacted by the authority aforesaid, That yearly and every year, reckoning the first year to begin the five and twentieth day of *March* one thousand seven hundred and twenty, the full sum of thirteen thousand pounds *per annum*, by or out of the monies to arise of or for the said duties upon plate or manufactures of silver, and to be brought into the receipt of exchequer, as aforesaid, in case the same shall extend thereunto, shall be the whole and entire yearly fund; and in case all the monies arising into the exchequer of or for the said rates and duties upon plate and manufactures of silver, shall not amount to thirteen thousand pounds *per annum*, then the monies so arising, so far as the same will extend, shall be part of the yearly fund, for or towards answering or paying all the several and respective annuities herein after mentioned; and in case the said rates and duties upon plate and manufactures of silver shall at any time or times appear to be so deficient or low in the produce of the same, as that within any one year to be reckoned as aforesaid, the said monies arising into the exchequer for or upon account of the same rates and duties shall not amount to so much as thirteen thousand pounds, or to so much as shall be sufficient to discharge and satisfy all the annuities by this act appointed or intended to be paid within or for the same year respectively, that then and so often, and in every such case, so much as shall be deficient or wanting to make up the said fund for every or any such year, until the redemption thereof by parliament, according to the proviso herein after contained in that behalf, shall be supplied and made good, from time to time, out of the monies which shall, from time to time, arise by certain surplusses, excesses, and overplus monies, commonly called the sinking fund, so as the sums which, from time to time, or at any time shall be supplied out of the said sinking fund, do not exceed the monies which shall be saved by taking off the drawback of the duties on hops exported, or shipped to be exported for *Ireland*, pursuant to the clauses herein after contained in that behalf; and if the same shall at any time exceed such saving, then the residue

residue of such deficiency shall be supplied out of the then next or out of the aids to be granted in parliament; any thing in any former or next aids in other law or statute contained to the contrary notwithstanding. parliament.

XXV. And it is hereby enacted, That all the monies arising The monies arising by the duty, to be by the said duties on plate and manufactures of silver, for pay- ment of the severall annuities, which shall be payable upon this act, shall be fairly and duly entred in one or more book or books, entred in a book. of 312,000 l. at 4 l. per cent.

XXVI. And for the raising any sum or sums of money, not Any persons exceeding in the whole the sum of three hundred and twelve may be con- thousand pounds, towards his Majesty's supply; it is hereby tributors for the annuities of 312,000 l. at 4 l. per cent. further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to contribute, advance and pay into the receipt of his Majesty's exchequer, for his Majesty's use, at or before the respective days and times in this act limited in that behalf, any sum or sums of money, not exceeding in the whole the said sum of three hundred and twelve thousand pounds, for the absolute purchase of any certain annuity or annuities, to commence from the five and twentieth day of *March* one thousand seven hundred and twenty, and to be paid and payable to such contributor or contributors, or such as he, she or they shall nominate, his, her or their executors, administrators, successors and assigns respectively, until the redemption thereof by parliament, according to the proviso herein after contained in that behalf, which certain annuities shall be computed at the rate of four pounds *per annum* for every one hundred pounds, and proportionably for any greater sum so to be advanced and paid; and the purchase-money so paid for every such annuity at the rate aforesaid, is hereby appointed to be paid into the said receipt of exchequer at or before the respective days and times herein after limited; that is to say, one fourth part Times of pay- thereof on or before the four and twentieth day of *June* in the ment. year of our Lord one thousand seven hundred and twenty; one other fourth part thereof on or before the first day of *August* in the year of our Lord one thousand seven hundred and twenty; one other fourth part thereof on or before the first day of *October* in the year of our Lord one thousand seven hundred and twenty; and the remaining fourth part thereof on or before the first day of *December* in the year of our Lord one thousand seven hundred and twenty; all which annuities so to be purchased, shall be paid and payable at two of the most usual feasts or days of payment in the year; that is to say, the feast of Saint *Michael* the archangel, and the annunciation of the blessed Virgin *Mary*, by even and equal portions; the first payment thereof to be due at the feast of Saint *Michael* the archangel in the year of our Lord one thousand seven hundred and twenty.

XXVII. And

Books to be provided for entering the contributors names, and the sums.

XXVII. And it is hereby enacted, That in the offices of the auditor of the receipt, and the clerk of the pells in the exchequer, severally, there shall be provided and kept a book or books, in which there shall be fairly entred the names of all who shall be contributors for such certain annuities, as aforesaid, and of all persons by whose hands the said contributors shall pay in any of the said sums upon this act, and also the sums so paid for such annuities, to which book it shall be lawful for the said respective contributors, their executors, administrators and assigns, from time to time, and at all seasonable times, to have resort, and to inspect the same, without fee or reward.

The annuities to be charged on the duties arising by this act, &c.

XXVIII. And be it further enacted by the authority aforesaid, That all and every the annuities so to be purchased upon this present act shall be and are hereby charged upon, and shall be paid and payable, from time to time, out of the money arising by the said rates and duties, and other provisions made by virtue of this act for the payment thereof; and that all and every contributor and contributors upon this act, duly paying the consideration or purchase-money at the rate aforesaid, at or before the respective days or times in this act limited in that behalf, for any such annuity or annuities, as aforesaid, or such as he, she or they shall appoint, his, her, or their respective executors, administrators, successors and assigns, shall have, receive and enjoy, and be intitled by virtue of this act to have, receive and enjoy the respective annuity and annuities, so to be purchased out of the monies by this act appropriated, until the redemption thereof by parliament, according to the proviso herein after contained in that behalf, as is above-mentioned; and that all and every such purchasers, their executors, administrators, successors and assigns respectively, shall have good, sure, absolute, and undefeazible estates and interests in the several annuities so by them respectively to be purchased, according to the tenor and true meaning of this act; and that all such estates and interests of and in the said annuities, and every of them, shall be, and be adjudged, taken and accepted in construction of law, and in all courts of law and equity whatsoever, to be a personal and not a real estate, and shall go to the executors or administrators of the person or persons dying possessed thereof, interested therein, or entitled thereunto, and not to the heirs of such person or persons; any law, custom or usage to the contrary notwithstanding: and that all the said annuities to be purchased on this act, as aforesaid, and every of them, shall be free from all taxes, charges and impositions whatsoever.

Annuities a personal estate and to go to executors.

Tax-free.

Contributors to have tallies and orders struck for their annuities, &c.

XXIX. And be it further enacted by the authority aforesaid, That every contributor upon this act for any such annuity or annuities, as aforesaid, his, her or their executors, administrators, successors or assigns, upon payment of the consideration or purchase-money for the same, at the rate aforesaid, or any part or proportion thereof, into the said receipt of exchequer, within the time or times in this act limited in that behalf, shall immediately have one or more talley or tallies levied, importing

ing the receipt of so much purchase-money as shall be so paid, and upon payment of all the purchase-money for any annuity or annuities, at the rate aforesaid, every such contributor, his, her or their executors, administrators, successors or assigns respectively, shall have an order for paying the said annuity and annuities until the redemption thereof by parliament, according to the proviso herein after contained in that behalf; which order shall be signed by the treasurer and under treasurer of the exchequer, or any three or more of the commissioners of the treasury for the time being; and after the signing thereof the same shall be firm, good, valid and effectual in the law, according to the purport and true meaning thereof, and of this act, and shall not be determinable by or upon the deaths or removal of any treasurer or under treasurer of the exchequer, or any commissioner or commissioners of the treasury or by or upon the determination of the power, office or offices of them, or any of them, nor shall any lord high treasurer of *Great Britain*, treasurer of the exchequer, or any commissioners of the treasury now or for the time being, have power to revoke, countermand, or make void such orders so signed, as aforesaid, or any of them.

XXX. And for the encouragement of the contributors to advance and pay readily into the receipt of the exchequer the sums by them intended to be advanced upon this act: it is provided and enacted by the authority aforesaid, That every such contributor, who shall advance and pay into the said receipt of exchequer, within the times limited by this act, the purchase-money payable for any such annuity or annuities, as aforesaid, his, her or their executors, administrators, successors, or assigns, shall be allowed and paid out of the contribution money arising by this act, interest after the rate of five pounds *per centum per annum*, for the prompt payment of the purchase money, or of such proportions of the purchase-money, as shall be so advanced before the first day of *December* one thousand seven hundred and twenty; the said interest to be computed for the respective sums so advanced and paid into the exchequer, from the time or respective times of the actual advancing and paying the same into the exchequer, until the said first day of *December* one thousand seven hundred and twenty.

XXXI. And be it further enacted, that it shall and may be lawful to and for any purchaser or purchasers of any such annuity or annuities, as aforesaid, his, her or their executors, administrators, successors or assigns, at any time or times during the continuance of his, her or their estate or interest of and in the same, by any writing under his, her or their hands and seals, or under the common seal of a corporation, or by his, her or their last will in writing, to assign or devise his, her or their estate or interest of and in any such annuity, or any part thereof, to any person or persons whatsoever, and so *toties quoties*; and no such assignment to be revocable, so as an entry or memorandum

5 l. per cent.
for prompt
payment.

Purchasers
may assign or
devise their
interest in the
annuities, &c.
By 9 Geo. 1.
c. 12.
Assignments may
be made by in-
dorsement on
the order.

morandum of such assignment or will be made in books to be kept for that purpose in the said office of the auditor of the receipt, within the space of three months after such assignment or death of the devisor : and that upon producing such assignment or will, or probate thereof, in the said office of receipt, to be entred, as aforesaid, the party so producing the same shall bring therewith an affidavit taken before one or more of his Majesty's justices of the peace, of the due execution of the said assignment or will, which affidavits shall be severally filed in the said office, which said entry or memorandum the proper officers in in the said receipt of exchequer are hereby required to make accordingly, and to file the said affidavits; and in default of such assignment, or devise by deed or will, the interest of such person or persons shall go to his or her executors or administrators.

No purchase unless one fourth part of the consideration-money be paid by

24 June 1720.

XXXII. Provided always, That no person or persons whatsoever shall or may purchase or obtain, or be admitted to purchase or obtain any such certain annuity or annuities, as aforesaid, for which exchequer-orders are to be made forth, as aforesaid, upon this act, unless the whole, or one fourth part at least, of the consideration-money for the same, at such rate, as aforesaid, be advanced and paid into the said receipt of exchequer, on or before the twenty-fourth day of *June* one thousand seven hundred and twenty.

Purchasers not paying in their money at the time appointed, forfeit what paid in,

XXXIII. Provided also, That in case any such contributor, as aforesaid, who shall, on or before the said twenty-fourth day of *June* one thousand seven hundred and twenty, have advanced into the exchequer, one fourth part of his, her or their purchase-money, or his, her or their executors, administrators, successors or assigns, do not advance and pay into the said receipt of exchequer, one fourth part of his, her or their consideration-money so to be paid for such respective annuity or annuities, as aforesaid, on or before the said first day of *August* one thousand seven hundred and twenty; and one other fourth part thereof, on or before the said first day of *October* one thousand seven hundred and twenty; and the remaining fourth part thereof on or before the said first day of *December* one thousand seven hundred and twenty; then and in every such case respectively, no order shall be drawn or signed for such respective annuity for which the consideration-money shall not be fully paid, as aforesaid, but so much of the consideration-money as shall have been actually paid into the receipt of exchequer for such respective annuity, shall be forfeited to his Majesty, his heirs and successors, and shall be applied, together with other the monies to be raised by this act, for such publick services, as aforesaid; any thing in this act contained to the contrary notwithstanding.

All receipts and issues to be without fee.

XXXIV. And be it further enacted, for the better encouraging persons to advance the said sum of three hundred and twelve thousand pounds upon the respective terms and advantages in this act mentioned, That all receipts and issues, and all other things directed by this act to be performed in the exchequer, shall

shall be done and performed by the officers there, without demanding or receiving, directly or indirectly, any fee, gratuity or reward for the same, otherwise than by this act is appointed; and in case the officers in the exchequer shall take or demand any such fee or reward, otherwise than by this act is appointed, or shall divert or misapply any of the monies to be paid into the receipt of the exchequer, for making up the aforesaid fund, or shall pay or issue out of the same otherwise than according to the intent of this act, or shall not keep books and registers, and make entries, and do and perform all other things which by this act they are required to perform, every such officer shall forfeit his office, and be for the future incapable of any office or place of trust whatsoever, and shall answer and pay treble damages and costs of suit to any contributor or person claiming under him, that will sue for the same, to be recovered by action of debt, bill, plaint or information in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege of parliament, or other privilege or wager of law, injunction or order of restraint, or more than one imparlance shall be granted or allowed, and in the said action the plaintiff upon recovery shall have full costs; one third of which sum so to be recovered shall be paid into the receipt of the exchequer, for the benefit of his Majesty, his heirs and successors, and the other two third parts shall be to and for the use of the prosecutor.

XXXV. Provided always, and it is hereby enacted by the authority aforesaid, That out of the monies from time to time arising at the said receipt of exchequer, of or for the said duties on plate or manufactures of silver hereby granted and appropriated, as aforesaid, it shall and may be lawful to and for the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, to reward the officers and clerks in the exchequer, and others that shall and may be any way employed in the execution of this act, in relation to the said annuities to be payable thereupon, for their labour, pains and service therein respectively, and to discharge and satisfy such incident charges as shall necessarily attend the execution of the same, in such manner as the commissioners of the treasury or any three or more of them, or the high treasurer for the time being shall, from time to time, think fit and reasonable in that behalf; any thing in this act contained to the contrary notwithstanding.

XXXVI. Provided also, and it is hereby further enacted, That in case there shall be any surplus or remainder of the monies arising by the rates and duties granted by this act, at the end of any year, for which the said annuities are to be payable, after all the annuities, charges and payments directed or authorized by this act, shall be fully satisfied, paid and discharged, or money sufficient shall be reserved for that purpose, such surplus or remainder shall be reserved for the publick use, and shall be disposed and disposeable by authority of parliament, and not otherwise.

XXXVII. And

Penalty on officers offending.

Treasury to reward the officers and clerks, &c. and discharge incident charges out of the monies to arise by this act.

Surplus to be reserved for publick use.

General issue.

XXXVII. And it is hereby enacted by the authority aforesaid, That if any person or persons shall at any time or times be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, or of any matter or thing in this act contained, such person or persons shall and may plead the general issue, and give the special matter in evidence for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs.

On publick notice in the gazette, and on the exchange, at any of the quarterly feast-days, and on repayment of the principal, then they are to cease,

XXXVIII. Provided also, and it is hereby enacted by the authority aforesaid, That at any time upon publick notice to be printed in the *London Gazette*, and affixed upon the *Royal Exchange* in *London*, by authority of parliament, at any of the said quarterly feast-days for payment of the said annuities to be payable out of the said particular fund, not exceeding twenty thousand pounds *per annum*; and upon repayment by parliament of the respective principal sums for which the same annuities shall be payable to such respective persons and corporations as shall be entitled to the same annuities, and also upon full payment of all arrearages of the same annuities, to be computed by the day after the rate of four pounds *per centum per annum*, till such actual repayment, then and not till then the same annuities shall cease and determine; any thing herein contained to contrary notwithstanding: and that any vote or resolution of the house of commons signed by the speaker in writing, to be inserted in the said *London Gazette*, and affixed on the *Royal Exchange* in *London*, as aforesaid, shall be deemed and adjudged to be sufficient notice within the words and meaning of this act.

and any vote of the commons signed by the speaker, shall be sufficient notice.

4 Geo. 1. c. 8.

XXXIX. *And whereas by virtue of an act of parliament made in the fourth year of your Majesty's reign, intituled, An act for vesting the forfeited estates in Great Britain and Ireland in trustees, to be sold for the use of the publick; and for giving relief to lawful creditors by determining the claims; and for the more effectual bringing into the respective exchequers the rents and profits of the said estates till sold, and by several other acts of parliament relating to the said forfeited estates, several sums of money have already been raised and paid into the receipts of the respective exchequers of England, Scotland and Ireland, or some of them, and several considerable sums of money arising or to arise of or for the said forfeited estates, are expected to be brought and paid into the said exchequers respectively: now we your Majesty's said dutiful and loyal subjects, the said commons of Great Britain in parliament assembled, for defraying your Majesty's publick expences and occasions before-mentioned, have further given and granted, and do by this act give and grant to your Majesty the full sum of two hundred thousand seven hundred thirty seven pounds fourteen shillings and nine pence farthing, to be taken out of the clear produce of the forfeitures for treason, arisen or to arise into the receipts of the said exchequers, every or any of them,*

over

over and above the salaries and other charges payable for the recovery of the said forfeitures; and do most humbly beseech your Majesty that it may be enacted; and be it enacted by the authority aforesaid, That the said sum of two hundred thousand seven hundred thirty seven pounds fourteen shillings and nine pence farthing, by such proportions at a time as the commissioners of his Majesty's treasury, or any three or more of them, or the high treasurer for the time being, shall find most conducive to the publick service, shall and may be taken and applied out of the clear produce of the forfeitures for treason, arisen or to arise into the receipt of his Majesty's exchequer, over and above the said salaries and other charges payable for the recovery of the said forfeitures; and the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, are hereby authorized and impowered to issue and apply, or cause to be issued and applied, the same accordingly; any former law or statute to the contrary notwithstanding.

200,737l. 14s. 9d. 1q. out of the clear produce arising by sale of the forfeited estates, to be applied towards his Majesty's publick expences.

XL. *And whereas certain duties upon hops were by an act of parliament made in the ninth year of the reign of her late majesty Queen Anne, of blessed memory, intituled, An act for laying a duty upon hops, imposed for the term of four years, reckoned from the first day of June one thousand seven hundred and eleven, and were by an act of the first year of your Majesty's reign continued until the first day of August one thousand seven hundred and fifteen; and by another act of the same year were granted to your Majesty, your heirs and successors for ever, subject nevertheless to redemption by parliament: in and by which acts, or some of them, (amongst other things therein contained) it was provided, That it should and might be lawful to and for any person or persons, who should have actually paid the duty thereby payable for any quantity of hops whatsoever of British growth, and to and for any other person or persons, who should buy or be lawfully entitled to any such quantity of hops of British growth from the said person or persons who actually paid the said duty for the same, to export such hops, being of British growth, for Ireland by way of merchandize; and that upon giving such security, and performing such other requisites as by the said acts, or some of them, are prescribed, the customer or collector of the port where such hops shall be exported, shall give to the exporter a debenture expressing the true quantity of the British hops so exported; and that upon such debenture the said duty shall be repaid, or the security for the same be discharged in the manner and form thereby prescribed, as by the said acts of parliament, relation being thereunto severally had, may more fully appear: and whereas the said duty upon hops of British growth is very moderate, and such hops exported for Ireland may reasonably bear the same duty which is charged upon those consumed in Great Britain: now we your Majesty's said dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being minded and desirous to improve the publick revenues, which are applicable to the discharging of publick debts and incumbrances, do further humbly pray your Majesty, that it may be enacted; and be it enacted*

Clause for taking off all the draw-backs upon hops exported for Ireland.

9 Ann. c. 12.

sect. 22.

1 Geo. 1. stat.

c. 2.

1 Geo. 1. stat.

2. c. 12. sect. 5.

enacted by the authority aforesaid, That the said duty upon hops of *British* growth, or any part thereof, shall not be repaid or drawn back for any such hops which shall be exported or shipped to be exported for *Ireland*, at any time or times after the first day of *June* one thousand seven hundred and twenty; and that no debenture or certificate shall be granted or made forth for or in order to the repayment or drawing back of the same duty for or upon any such hops so exported or shipped to be exported for *Ireland* after the said first day of *June* one thousand seven hundred and twenty; but such drawback or repayment from thenceforth shall cease and determine; the said recited acts of parliament, or any other law or statute to the contrary notwithstanding.

The two different standards of wrought plate continued.

The distinguishing marks for the two standards.

No plate to be of a coarser alloy.

Not to invalidate the provision of 20, c. 1. for erecting schools in the highlands. 4 Geo. 1. c. 8. sct. 32.

XLI. *And whereas it may be requisite for encouraging the several manufactures of wrought plate, to continue both the standard of plate of eleven ounces ten-penny weight Troy, and also the standard of eleven ounces two-penny weight Troy, for the better accommodating the buyers of plate and the workers and dealers therein:* be it therefore enacted by the authority aforesaid, That from and after the first day of *June* one thousand seven hundred and twenty all silver vessels of plate or manufactured of silver shall not be made less in fineness than that of eleven ounces ten-penny weight of fine silver in every pound *Troy*, or of silver less in fineness than eleven ounces two-penny weight of fine silver in every pound *Troy*; which two different standards of wrought plate shall be severally and respectively marked with distinguishing marks, (that is to say) vessels made of silver plate or manufactured silver not less in fineness than eleven ounces ten-penny weight of fine silver in every pound *Troy*, to be marked with the workman's mark, the mark of the wardens of the mystery or craft of the goldsmiths, and with the figure of a lion's head erased, and the figure of a woman called the *Britannia*; and all vessels of silver plate or manufactured silver not less in fineness than eleven ounces two-penny weight of fine silver in every pound *Troy*, and under the degree of eleven ounces ten penny weight of fine silver in every pound *Troy*, shall be marked with the workman's mark, and the wardens of the mystery or craft of goldsmiths as aforesaid, and with the figure of a lion passant, and the figure of a leopard's head; and that it shall not be lawful to make any vessels of silver plate or manufactures of silver of a coarser alloy than what is herein specified, under the penalties and forfeitures prescribed by any of the laws now in being concerning wrought plate; any thing in this act or any other act or acts to the contrary notwithstanding.

XLII. Provided always, and be it enacted by the authority aforesaid, That nothing in this present act contained shall be construed any way to invalidate or infringe a provision made by an act passed in the fourth year of his Majesty's reign for appropriating a sum not exceeding twenty thousand pounds, to be applied towards erecting and maintaining schools in the highlands of *Scotland*, nor to alter the order and manner appointed by the said act for raising the said sum out of the monies which shall

shall arise by sale of the forfeited estates in *Scotland*; any thing in this present act to the contrary notwithstanding.

XLIII. And be it enacted by the authority aforesaid, That all the monies lent and to be lent to his Majesty upon one act of this session of parliament, intituled, *An act for granting to his Majesty an aid by a land-tax to be raised in Great Britain, for the service of the year one thousand seven hundred and twenty*, and so much money (if any such be) of the tax thereby granted, as shall arise and remain after all the loans made or to be made on that act, and the interest thereof, and the charges thereby allowable for raising the said tax shall be satisfied, or monies sufficient shall be reserved to discharge the same; and all the monies lent or to be lent to his Majesty upon an act of this session of parliament, intituled, *An act for continuing the duties on malt, mum, cyder and perry, for the service of the year one thousand seven hundred and twenty; and for enabling the lords commissioners of his Majesty's treasury to call in such exchequer-bills as are to be cancelled and discharged with money appointed for that purpose*, and so much of the duties on malt, mum, cyder and perry thereby granted or continued, as shall arise and remain (if any such be) after all the loans made or to be made on the same act, or thereby transferred or directed to be transferred thereunto, and all the interest thereof, and the charges thereby allowable for raising the same duties shall be satisfied, or monies sufficient shall be reserved to discharge the same; and the said sum not exceeding three hundred and twelve thousand pounds intended to be raised as aforesaid; and the said sum of two hundred thousand seven hundred thirty seven pounds fourteen shillings and nine pence farthing, to be taken out of the said clear produce of forfeitures, in pursuance of this present act, shall be appropriated and applied, and are hereby appropriated for or towards the several uses, intents and purposes herein expressed, subject nevertheless to such restrictions are herein after prescribed; that is to say, it is hereby enacted and declared, That out of all or any the aids or supplies provided as aforesaid there shall and may be issued and applied any sum not exceeding eighty eight thousand forty nine pounds three shillings one penny and one fifth part of a penny to make good the deficiency of the fund commonly called the general fund, for raising seven hundred and twenty four thousand eight hundred and forty nine pounds six shillings and ten pence and one fifth part of a penny *per annum*, for the year ended at *Michaelmas* one thousand seven hundred and nineteen.

XLIV. And it is hereby enacted and declared, That out of all or any the aids or supplies provided as aforesaid there shall or may be issued or applied any sum or sums of money not exceeding one million three hundred ninety seven thousand seven hundred thirty three pounds sixteen shillings and three pence and five tenth parts of a penny, for or towards the naval services following; that is to say, any sums not exceeding three hundred seventy seven thousand five hundred sixty one pounds six shillings and nine pence halfpenny, for making good several

Appropriation of the money granted this session.
6 Geo. 1. c. 1.

6 Geo. 1. c. 2.

88,049 l. 3s. 1 d. and one fifth part of a penny, to make good the general fund.

For naval services.

extraordinary expences for the service of his Majesty's navy and the victualling thereof for the year one thousand seven hundred and nineteen, not provided for by parliament; and any further sum and sums of money not exceeding nine hundred and nineteen thousand nine hundred and eighteen pounds ten shillings and eight pence, for or towards defraying the charges of the ordinary of his Majesty's navy and for half-pay to sea-officers, and for or towards victual, wages, wear and tear of the navy and victualling thereof performed and to be performed; and for or towards sea-services in the office of ordnance performed and to be performed, and other services of the navy performed and to be performed; and any further sum and sums of money not exceeding seventy nine thousand seven hundred twenty three pounds, for or towards repairs of his Majesty's navy performed or to be performed; and any further sum and sums of money not exceeding twenty thousand five hundred and thirty pounds eighteen shillings and ten pence, for extraordinary charge of the transport-services for the year one thousand seven hundred and nineteen, not provided for by parliament.

For the ord-
nance for
land-service.

XLV. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid there shall or may be issued and applied any sum or sums of money not exceeding eighty one thousand seven hundred and twenty pounds two shillings and one halfpenny, for defraying the charge of the office of his Majesty's ordnance for land-services performed and to be performed; and for or towards making good the exceedings in that office in the year one thousand seven hundred and nineteen.

For land-
forces, guards
and garrisons,
&c.

XLVI. And it is hereby likewise enacted, That out of all or any the aids or supplies provided as aforesaid there shall or may be issued and applied any sum or sums of money not exceeding in the whole the sum of nine hundred twenty six thousand six hundred forty three pounds sixteen shillings and eight pence, for or towards maintaining his Majesty's land-forces and other services herein after more particularly expressed; that is to say, any sum not exceeding five hundred sixty three thousand five hundred and eight pounds fifteen shillings, for defraying the charge of fourteen thousand four hundred and sixty nine effective men (including commission and non-commission officers, and two thousand and thirty four invalids) for guards and garrisons, and other his Majesty's land-forces in *Great Britain*, *Jersey* and *Guernsey*, and other services relating to the forces for the year one thousand seven hundred and twenty; and any sum and sums of money not exceeding one hundred forty eight thousand and thirty five pounds nine shillings and sixpence halfpenny, for maintaining his Majesty's forces and garrisons in the plantations, *Minorca* and *Gibraltar*, and for provisions for the garrisons at *Annapolis* and *Placentia*, for the year one thousand seven hundred and twenty; and any sum and sums of money not exceeding sixteen thousand three hundred thirty one pounds and ten shillings, upon account for out pensioners of *Cbeifca Hospital*

for

for the year one thousand seven hundred and twenty; and any sum and sums of money not exceeding ninety nine thousand seven hundred sixty eight pounds two shillings and one penny halfpenny, for defraying several extraordinary expences for the service of his Majesty's land-forces for the year one thousand seven hundred and nineteen not provided for by parliament; and any sum or sums not exceeding ninety nine thousand pounds, upon account of half-pay for the year one thousand seven hundred and twenty, to be paid to the reduced officers of his Majesty's land-forces and marines: subject nevertheless to such rules to be observed in the application of the said half-pay, as are herein after prescribed in that behalf; and that the said aids or supplies provided as aforesaid shall not be issued or applied to any use, intent or purpose whatsoever, other than the uses and purposes before-mentioned.

XLVII. Provided always, That such sums as by or in pursuance of any other act or acts of parliament are or shall be due or payable to any commissioners for taking, examining, stating and determining the debts due to the army, for their salaries, or for their clerks, or other incident charges, shall or may be paid out of the aids or supplies aforesaid, or any of them; any thing herein contained to the contrary notwithstanding.

XLVIII. And as to the said sum of ninety nine thousand pounds by this act appropriated on account of half-pay as aforesaid, it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed shall be duly observed in the application thereof; that is to say,

That no person shall have or receive any part of the same, who was a minor, under the age of sixteen years, at the time when the regiment, troop or company in which he served was reduced.

That no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop or company.

That no person having any other place or employment of profit, civil or military, under his Majesty, shall have or receive any part of the said half-pay.

That no chaplain of any garrison or regiment, who has any ecclesiastical benefice, or other preferment in *Great Britain* or *Ireland*, shall have or receive any part of the said half-pay.

That no person shall have or receive any part of the same, who hath resigned his commission, and has had no commission since.

That no part of the same shall be allowed to any persons by virtue of any warrant or appointment, except to such persons who would have been otherwise entitled to the same as reduced officers.

And that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in *Ireland*, except to such as were lately taken off the establishment of half-pay in *Great Britain*.

3 Geo. 1. c. 19.

XLIX. *And whereas by an act of parliament made in the fifth year of his Majesty's reign, intituled, An act for redeeming the fund appropriated for payment of the lottery-tickets which were made forth for the service of the year one thousand seven hundred and ten, by a voluntary subscription of the proprietors into the capital stock of the South-Sea company; and for raising a sum of money to pay off such debts and incumbrances as are therein mentioned; and for appropriating the supplies granted in this session of parliament; and to limit times for prosecutions upon bonds for exporting cards and dice, several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed; amongst which any sum or sums not exceeding the sum of one hundred and ten thousand pounds, upon account of half-pay for the year one thousand seven hundred and nineteen, was appropriated to be paid to the reduced officers of his Majesty's land-forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf; and the deficiencies of the said supplies are made good, or enacted to be made good by grants in this session of parliament: now it is hereby provided, enacted and declared by the authority aforesaid, That so much of the said sum of one hundred and ten thousand pounds, as is or shall be more than sufficient to satisfy the said reduced officers, according to the said rules by the aforesaid act prescribed to be observed in the application thereof, or any part of such overplus, shall or may be disposed to such officers who were maimed or lost their limbs in the late wars, or to such others, as by reason of their long service, or otherwise, his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this or the said former act to the contrary notwithstanding.*

Overplus of
last year's
half-pay, for
the compas-
sionate list.

Clause to pre-
vent counter-
feiting re-
ceipts and
warrants of
the officers of
the South-Sea
company.

L. *An whereas the corporation of the governor and company of merchants of Great Britain trading to the South-Seas and other parts of America, and for encouraging the fishery, may issue out receipts under the hand or hands of one or more of their officers, from time to time, upon or for subscriptions to be by the said company taken for increasing their capital stock, pursuant to an act of this present session of parliament in that behalf; and may also issue out warrants under the hand or hands of one or more of their officers for the dividend from time to time to be made to the proprietors of the stock in the said company: it is hereby enacted by the authority aforesaid, That if any person or persons shall forge, counterfeit or alter any such receipt or receipts, warrant or warrants, or any indorsement or writing, indorsements or writings thereupon or therein, or shall tender any such forged, counterfeited or altered receipt or receipts, warrant or warrants, or any such receipt or receipts, warrant or warrants, with such counterfeit indorsement or writing thereon or therein, knowing the same to be so forged, counterfeited or altered, to the said company, or any of their officers, or shall offer to alienate or dispose of the same,*
KNOW-

knowing the same to be forged, counterfeited or altered, and with intent to defraud the said company, or any other person or persons, bodies politick or corporate, then and in such case every such person or persons, so offending (being thereof lawfully convicted) shall be adjudged a felon, and shall suffer death, as in cases of felony, without benefit of clergy.

LII. *And whereas by an act passed last session of parliament intitled, An act for the recovery of the credit of the British fishery in foreign parts, and for better securing the duties upon salt, liberty is given to his Majesty's subjects to import foreign salt for the use of the fishery duty-free after Midsummer-day one thousand seven hundred and nineteen; and it being at the same time intended by the said act, That all such foreign salt as was imported, weighed, cellared and locked up in the presence of an officer for the duties upon salt, and under the joint custody of such officer and the importer thereof, before the said twenty-fourth day of June one thousand seven hundred and nineteen, should have the benefit of being turned over as stock in hand, and be made use of in the fishery duty-free; but for want of sufficient words to express clearly and plainly the intention of the said act, in relation to such foreign salt so imported as aforesaid before the said twenty fourth day of June one thousand seven hundred and nineteen, the proprietors of the said salt have, to their great loss and detriment, not been able to make use of the said salt in the last fishery, nor will, for the time to come, be enabled to make any use at all of it, unless the said act be better explained: for remedy whereof, and to supply the defect in the said act, be it, and it is hereby enacted by the authority aforesaid, That all such foreign salt so imported, cellared and locked up as aforesaid before the said twenty fourth of June one thousand seven hundred and nineteen, shall, at the desire of the proprietor or proprietors thereof, or his or their agent or agents, be turned over as stock in hand for the use of the fishery duty-free; subject nevertheless to the same conditions and restrictions as all other foreign salt intended for the use of the fishery, and have the same benefit and advantage as all other foreign salt intended for the use of the fishery, and imported after the said twenty fourth day of June one thousand seven hundred and nineteen; any thing in this act, or any other, to the contrary thereof notwithstanding.*

LIII. *And for the relief of any person or persons, who through neglect or inadvertency have omitted to pay the several rates and duties upon monies given, paid or contracted for with apprentices, and to have the indentures or contracts stampd within the times for those purposes respectively limited by the acts of parliament in that case made: be it enacted by the authority aforesaid, That upon payment of the several rates and duties so omitted or neglected to be paid as aforesaid, on or before the twenty ninth day of September in the year of our Lord one thousand seven hundred and twenty, to such person or persons to whom the same ought to be paid, and tendring to be stampd such indentures or contracts so omitted to be stampd at the same time, or at any time on or before the twenty-fifth day of December one thousand seven hundred*

Clause for explaining the act 5 Geo. 1. c. 18. concerning foreign salt cellared and locked up before 24 June 1719.

Clause for giving a further time for paying duties on apprentices indentures.

dred and twenty, the same indentures or contracts shall be good and available in law or equity, and may be given in evidence in any court whatsoever; and the apprentices therein named shall be capable of following and exercising the respective intended trades or employments, as fully as if the rates and duties so omitted had been duly paid within the respective times in the said acts of parliament limited; and the persons who have incurred any penalty by the omissions aforesaid, are hereby acquitted and discharged of and from the said penalties; any thing in the said acts contained to the contrary notwithstanding.

Clause for relief of Thomas Vernon, esq; in relation to Senna imported in May 1716.

LIII. *And whereas* Thomas Vernon, esq; did in the month of May one thousand seven hundred and sixteen import into the port of London, on board the ship Lambert from Alexandria, four bales of senna, containing three thousand four hundred and eight pounds weight, and did then duly enter the same at the custom-house, and paid and discharged the customs and duties then due and payable by law for the same, and actually sold the said senna on board the said ship before entry made thereof as aforesaid, and the same was accordingly delivered to the buyers: be it therefore enacted by the authority aforesaid, That the said senna shall not be chargeable with the duties charged on senna as a medicinal drug by the act made in the first year of his Majesty's reign, intituled, *An act to continue duties for encouraging the coinage of money; and to charge the duties on senna as a medicinal drug, and for the appropriating several supplies granted to his Majesty.*

1 Geo. 1. stat. s. c. 43.

CAP. XII.

An act for preventing of frauds and abuses in the allowances on damaged wines, and for lengthening the time for the drawbacks on the exportation of wines.

22 Car. 2. c. 4. **W**HEREAS by the tenth rule annexed to an act of parliament passed in the twelfth year of the reign of his late majesty King Charles the Second, intituled, A subsidy granted to the King of tonnage and poundage, and other sums of money payable upon merchandize exported and imported, which has been continued by several subsequent acts, and is now in force, it is provided, That if any wines shall prove corrupt and unmerchantable, and fit for nothing but to distil into hot waters, or to make vinegar, then every owner of such wines shall be abated in the subsidy according to such his damages in those wines, by the discretion of the collectors of the customs and one of the principal officers: and whereas several other subsidies, impositions and duties have been since laid, and are now payable to his Majesty on the importation of wines into this kingdom by several acts of parliament now in force; which several acts have reference to the said act of tonnage and poundage, and to the said rule in making allowances for the damages out of the respective duties on wines imported (except the duty payable on wines for the encouraging of coinage, by an act passed in the eighteenth year of the reign of his said late majesty King Charles the Second:) and whereas frequent disputes do arise between the officers of the customs and the merchants, in the making and adjusting the allowances which damaged wines may de-

servu,

28 Car. 2. c. 5.

serve, the same depending for the most part on the taste thereof: for the preventing the like disputes for the future, be it enacted by the king's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the second day of *May* in the year of our Lord one thousand seven hundred and twenty, the said tenth rule annexed to the said act of tonnage and poundage be, and the same is hereby repealed, made void, and shall no longer be put in practice; any thing in the said act of tonnage and poundage, or in any other act or acts, in any wise to the contrary notwithstanding.

After May 2, 1720, the tenth rule annexed to the act of tonnage and poundage shall be repealed.

II. *And whereas it may be reasonable to make the merchants importers of wine a compensation for the allowances they would have received out of the several duties of their damaged wines by virtue of the said tenth rule, whereby the revenue may be collected with greater certainty, and not so liable to abuse:* be it further enacted by the authority aforesaid, That from and after the said second day of *May* one thousand seven hundred and twenty, there shall be made, as well to the merchant at importation, as also to the prizage-master or proprietor of the duties of prizage, out of all the several gross duties now laid upon wines in casks (except the coinage-duty before-mentioned) over and above the present abatements and discounts, the several allowances hereafter-mentioned; that is to say, Out of the several gross duties (except the coinage) now laid upon *Rhenish* wine, or wine of the growth of *Germany*, or wines which pay duty as such, an allowance after the rate of two pounds *per centum*; upon *French* wines, or wines of the growth of *France*, or of any of the *French King's* dominions, an allowance after the rate of six pounds *per centum*; and upon *Spanish, Portugal,* and all other wines (except *Rhenish* or *French*) an allowance after the rate of ten pounds *per centum*: the said several allowances after the rate of two *per centum*, six *per centum*, and ten *per centum*, to be deducted on the debenture, in case the wines be again exported; any law or custom to the contrary notwithstanding.

Allowances to be made to merchants, &c, out of the gross duties on wine imported in casks.

By 8 Geo. 1. c. 18. sect. 19. this clause is restrained.

Which shall be deducted on the debenture if the wines are again exported.

III. Provided always, and be it further enacted by the authority aforesaid, That in case any merchant or other person, shall find his wine or any part thereof so damaged, corrupt or unmerchantable, that he shall refuse to pay or secure the duties for the same, he shall have liberty, immediately after the landing the wines, to stave, spill, or otherwise destroy such wines in the presence of two or more of the officers of the customs, to be appointed by the collector, and one of the principal officers of the port, who shall take an exact account of the quantity of wine which the merchant or other person shall so stave, spill or otherwise destroy, to the end the duty of such wine may be repaid, without any delay or charge to the merchant, by certificate, or that the quantity of wine so staved, spilt or otherwise destroyed, be deducted from the foot of the account of the merchant refusing to pay or secure the duty of such wine, as aforesaid,

Damaged or unmerchantable wines may be staved, and the duty repaid, &c.

By 12 Geo. 1. c. 28. sect. 20. The commissioners may sell damaged wines, &c.

said, in the book or books kept by the proper officer or officers appointed to the discharge of the ship importing the wine.

Compenſation to be allowed for the freight of wines ſo ſtaved.

IV. And be it further enacted, That over and above the duties repaid or allowed, as aforeſaid, the merchant or other perſon ſhall, for every ton of wine, containing two hundred fifty and two gallons, of the growth of *Germany*, or wines which pay duties as ſuch, and of the growth of *France*, ſo ſtaved, ſpilt or otherwiſe deſtroyed, be allowed as a compenſation for the freight and other charges, the ſum of four pounds; and wines of the growth of *Spain*, *Portugal*, and elſewhere, the ſum of eight pounds *per* ton, and ſo in proportion for any greater or leſſer quantity, which allowances ſhall without delay be paid by certificate out of the duties ariſing by the ſaid act of tonnage and poundage, and the officers are hereby required and directed to make, paſs, and pay ſuch certificate without fee or reward.

British merchants ſhall have 18 months, and aliens 15, to export wines imported, to be computed from the maſter's report; *Enlarged by 7 Geo. 1. c. 21. ſect. 10.* Provided certificates and oaths be made, &c.

V. And for the further encouragement of the wine-trade, be it enacted by the authority aforeſaid, That from and after the ſecond day of *May* one thouſand ſeven hundred and twenty, every *British* merchant ſhall have eighteen months time from the importation of all wines to export the ſame; and every alien or ſtranger ſhall have fifteen months time from the importation of all wines to export the ſame, which importation ſhall be reckoned from the maſter's report of the ſhip; and ſhall have the like benefit and drawback by ſuch exportation, as if the ſame had been exported within twelve months or nine months reſpectively, as mentioned in the ſecond and fourth rules annexed to the ſaid act of tonnage and poundage; any law, cuſtom or uſage to the contrary in any wiſe notwithstanding; provided certificates and oaths be made, and all other requiſites performed, according to the laws now in being, relating to the importation and exportation of wine.

The exporter to be allowed two thirds of the duty paid on importation, by the act of 1 Jac. 2. c. 3.

VI. And as a further encouragement, be it likewiſe enacted by the authority aforeſaid, That over and above the preſent duties drawn back on the exportation of wine, the merchant exporter be allowed, on the terms and conditions aforeſaid, two thirds of the impoſt duty paid on the importation of wine by virtue of an act of parliament paſſed in the firſt year of King *James* the Second, intituled, *An act for granting to his Maſteſty an impoſition upon all wines and vinegar, imported between the four and twentieth of June one thouſand ſix hundred and eighty five, and the four and twentieth of June one thouſand ſix hundred ninety three*, which by ſeveral ſubſequent acts is continued and ſtill in force, any thing in the ſaid act, or in any other act to the contrary notwithstanding.

This act ſhall not leſſen the duties of prize, &c.

VII. Provided, and it is hereby declared and enacted, That any thing in this act contained or to be done in execution thereof, ſhall not extend or be conſtrued to extend to diminish or leſſen the duties of prize and butlerage of wines due upon the importation of the ſame, but that the ſaid duties ſhall be collected, taken and received in the ſame manner as if this preſent act had never been made.

CAP. XIII.

An act for ascertaining the breadths, and preventing frauds and abuses in manufacturing serges, pladings and fingrums, and for regulating the manufactures of stockings in that part of Great Britain called Scotland.

WHEREAS many frauds and abuses are daily committed by persons employed in the working up of serges, pladings and fingrums, and also in the working and knitting of stockings in that part of Great Britain called Scotland, to the great prejudice of trade and commerce: for the better preventing whereof, and the ascertaining the breadths of serges, pladings and fingrums, and for the regulating the manufactures of knit stockings in that part of Great Britain called Scotland, be it enacted by the king's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament, assembled, and by the authority of the same, That from and after the first day of September which shall be in the year of our Lord one thousand seven hundred and twenty, every piece of plading, and narrow and broad fingrums, which shall be wrought and made in any part of Scotland, shall be of the several breadths and dimensions herein after mentioned; (that is to say) every piece of plading and narrow fingrums that shall be so made, shall be wrought and made of the same sort of wool and yarn, and of equal work and fineness from one end of the piece to the other, and shall be at the least twenty eight inches in breadth; and that every piece of broad fingrum shall be also wrought and made of one intire sort of wool and yarn, and shall be of equal work and fineness from one end of the piece to the other end thereof, and shall at least contain thirty eight inches in breadth.

II. And be it enacted by the authority aforesaid, That all stockings that shall be made in Scotland, shall be wrought and made of three threads, and of one sort of wool and worsted, and of equal work and fineness throughout, free of left loops, hanging hairs, and of burnt, cutted or mended holes, and of such shapes and sizes respectively as the patterns which shall be marked by the several deans of gild of the chief boroughs of the respective counties, according to the dimensions following; viz. The stockings for men called long stockings, shall not be above thirty six, nor under thirty four inches in length from the top to the heel; and not above eight, nor under seven inches in breadth at the top; not above seven, nor under six inches in breadth at the broadest place of the calf; not above five, nor under four and an half inches breadth at the narrowest place of the ankle; and the stockings of thirty six inches in length, to be seventeen inches betwixt the top and the narrowest part of the ham, and twenty one inches in length from the top to the broadest part of the calf; and that those of thirty four inches in length, be fifteen inches in length from the top to the narrowest part of the ham, and nineteen inches in length from the top to the broadest

This act is explained and amended by 10 Geo. 1. c. 18.

Breadths, &c. of plading and fingrums to be made in Scotland after Sept. 1. 1720.

Stockings, how they shall be made in Scotland.

broadest place of the calf; that the feet of both the two sizes aforesaid, be full twelve inches in length from the heel to the toe, and from four and half to five inches in breadth: stockings for men, called short stockings, shall not be above twenty eight, nor under twenty seven inches in length from the top to the heel, and not above seven, nor under six and an half inches breadth at the top; not above seven, nor under six inches in breadth at the broadest place of the ham; not above five, nor under four and an half inches at the narrowest place of the ankle; and the stockings of twenty eight inches in length, to be nine inches from the top to the narrowest part of the ham, and thirteen inches from the top to the broadest part of the ham; and those of twenty seven inches in length, to be eight inches from the top to the narrowest part of the ham, and twelve inches from the top to the broadest part of the ham; that the feet of the two last mentioned sizes be fully twelve inches in length, from the heel to the toe, and not above five inches, nor under four inches in breadth: That all stockings for women or boys, shall not be above twenty four, nor under twenty two inches in length, from the top to the heel, and not above six and an half, nor under six inches in breadth at the top; nor above five and an half, nor under five inches in breadth at the narrowest place of the ankle; and the stockings of twenty four inches in length, to be nine inches from the top to the narrowest part of the ham, and twelve inches from the top to the broadest part of the ham; and those of twenty two inches in length, to be seven inches from the top to the narrowest part of the ham, and ten inches from the top to the broadest part of the ham; that the feet of such womens and boys stockings be fully nine inches long, from the heel to the toe, and not above four, nor under three and an half inches in breadth; which patterns so marked by them, as aforesaid, shall lie open in the custody of the severall and respective stamp-masters for all persons to see.

Magistrates of head boroughs to provide stamps and appoint persons for stamping all serges, stockings, &c.

Stamp-master to be sworn and give security.

Justices of peace to appoint stamps to be kept in proper places.

III. And be it further enacted by the authority aforesaid, That the magistrates of the chief or head boroughs royal of every respective shire, county or stewartry in *Scotland*, shall be and are hereby impowered and appointed, from time to time, to make or cause to be made a stamp or stamps bearing the arms of the respective boroughs, and to appoint a fit person or persons for inspecting or stamping all such serges, pladings, firgrums and stockings, brought to be stamped, of the lengths, breadths, and qualities aforesaid; which person or persons so nominated, shall before his or their admission to that office of stamp-master, be obliged to take an oath *de fideli*, and likewise find surety for the faithful administration and execution of his office, for such sum of money as the said magistrates shall appoint; and in like manner the justices of the peace in their respective counties and stewartries, and in default of them, the commissioners of supply, shall be and are hereby impowered and ordained, from time to time, at the quarterly sessions of the said

said justices, or annual meetings of the said commissioners in Scotland, to appoint a stamp or stamps to be made and kept at some proper place or places, where such serges, pladings, fingerums and stockings, are sold within the respective counties, as their justices of the peace, or commissioners of supply shall think proper; and that no stamp-master shall, for himself, or any other person or persons, trade, traffick, buy, sell or dispose of any such serges, pladings, fingerums and stockings, directly or indirectly, or shall stamp any such serges, pladings, fingerums and stockings, which are not made of well sorted yarn, equally wrought, and of equal fineness from one end of the piece to the other, and of such breadths, lengths, sizes and scantlings, as aforesaid, he or they so neglecting or offending, shall forfeit for every piece of such serges, pladings and fingerums, the sum of twenty shillings, and for every dozen pair of stockings, not so made and wrought, as aforesaid, the sum of twenty shillings, and shall be made incapable of serving in any such office for the future; and if any person or persons in that part of *Great Britain* aforesaid, shall buy, export, or transport, or carry to the water-side, in order to be exported or transported, any such serges, pladings, fingerums or stockings of *Scotland*, after the first day of *December* which shall be in the year of our Lord one thousand seven hundred and twenty, before the stamp be fixed, as aforesaid, he or they so offending, and being thereof convicted shall, for each piece of such serge, pladings and fingerums, forfeit the sum of twenty shillings sterling, and for every dozen pair of such stockings, the sum of twenty shillings sterling; and if any person shall affix or counterfeit any stamp, without the authority aforesaid, such person or persons so offending shall forfeit respectively the sum of five pounds sterling, or six months imprisonment, if found insolvent.

IV. And be it further enacted by the authority aforesaid, That the said deans of guilds of the several head boroughs of the respective counties shall, and are hereby declared to be the sole judge within the respective borough, and the said dean of guild, together with the heretors or proprietors of all and every publick fair or market, or any having their authority, are hereby declared to be jointly judges of the offences committed against this present act; and in default of the said dean of guild, or of the said master of the fair or market, or his deputy, that either of the said judges shall be the sole judge of such offence committed in such places, villages, fairs and markets, where the aforesaid goods, wares and merchandizes shall be vended or exposed to sale, as aforesaid, to and for all and every the intents hereby specified and contained touching the same accordingly.

V. And be it further enacted by the authority aforesaid, That all such serges, pladings, fingerums and stockings already made and wrought, and which shall be hereafter made and wrought in *Scotland*, which are not of the length, breadth, scantlings and sizes herein before-mentioned and provided touching the same, and every of them which shall be so made and wrought before the said first day of *September* which shall be in the year of our

Lord

Stamp-matters shall not trade in such serges, &c. nor stamp any otherwise made than as the act directs, on penalty of 20 s. &c. and incapacity for the future.

Exporting such serges, &c. before stamp, to forfeit 20 s. for each piece, and for every dozen pair of stockings.

Counterfeiting the stamp to forfeit 5 l. or six months imprisonment, if insolvent.

Deans of guilds, heretors of fairs, &c. Judges of offences against this act.

That Serges, &c. already made, or that shall be made before Sept. 1, 1720, not of the sizes before-mentioned, may be vend.

ed or export-
ed before De-
cemb. 1. 1720.

Lord one thousand seven hundred and twenty, shall and may be sold, vended, exported or transported, as the respective owners and proprietors thereof shall judge proper and think fit, before the first day of *December* which shall be in the year of our Lord one thousand seven hundred and twenty, so as the same, or any of them may not become forfeited, or liable to the several and respective forfeitures and penalties in this act mentioned and contained touching the same.

Penalty on
weavers work-
ing any serges,
&c. otherwise
than conform-
able to the
above regu-
lations.
10 Geo. 1. c.
18.

VI. And be it further enacted by the authority aforesaid, That if any weaver or weavers, or other person or persons whatsoever, from and after the said first day of *September*, shall make, work, or cause to be made and wrought any of the aforesaid serges, pladings, singrums and stockings, otherwise than conformable and according to the aforesaid regulations and restrictions herein before-mentioned and explained touching the same, and shall be thereof convicted by the oaths of two or more credible witnesses, shall forfeit the sum of twenty shillings sterling, and the said goods shall also be confiscated to the use of the informer, and such offender or offenders shall also moreover pay the value of such goods to the respective owner and owners thereof.

Owner to pay
the stamp-
master 1 d.
per piece for
serges, &c.
and 2 d. per
dozen for
stockings.

VII. And be it further enacted by the authority aforesaid, That all and every owner and owners of such goods, before the same shall be so marked and stampt as aforesaid, shall first pay or cause to be paid unto the said stamp-master for every piece of such serge, pladings and singrums, so to be by them marked and stampt as aforesaid, the sum of one penny *per* piece; and for every dozen of such stockings so to be by them marked and stampt as aforesaid, the sum of two pence *per* dozen.

Forfeitures
not paid with-
in ten days
after convic-
tion may be
levied by
distress.

VIII. And be it further enacted by the authority aforesaid, That if any offender shall, by the space of ten days next after he shall be convicted of any of the offences aforesaid, refuse or neglect to pay any forfeiture by him incurred by reason or means of this present act, then and not before it shall and may be lawful for the judge or judges respectively aforesaid, before whom such conviction shall be made, and such judge or judges are hereby required to issue out one or more warrants under his or their hands and seals to the respective officer or officers, or to the constable of the town or place where such offender doth inhabit or can be found, within the limits of their respective jurisdictions, to levy the same by distress of the offender's goods, returning the overplus (if any be) to the offender, and if no such distress can be found, to commit the offender to the house of correction, or gaol of the county or corporation, to be detained for such time as the judge or judges, before whom such conviction shall be made, shall direct, not exceeding three months for any one offence.

If no distress,
offender to be
committed
not exceeding
three months.

Penalty to be
inflicted in
60 days.
Persons ag-
grieved may
appeal to

IX. Provided always, and be it enacted, That the penalties incurred by reason of this act, be inflicted within sixty days next after the offences be committed or discovered.

X. And be it further enacted, That if any person or persons do or shall find him or themselves aggrieved by any order or

WAT-

warrant made by any of the judge or judges upon any conviction before him or them, in pursuance of this act, such person or persons may appeal to the next general quarter-sessions of the peace, to be held for the county or place where such conviction shall be made, giving sufficient notice of such appeal; and if the justices of the peace at such sessions shall think fit to confirm or disannul the said order or warrant, they shall allow such costs and charges to the party aggrieved thereby as they shall think reasonable, to be levied and paid in such manner as is usual in other cases of appeals from the orders of any justices of the peace to the quarter-sessions.

quarter sessions; and the justices may allow costs.

C A P. XIV.

An Act for prohibiting the importation of raw silk and mohair yarn of the product or manufacture of Asia, from any ports or places in the Streights or Levant seas, except such ports and places as are within the dominions of the Grand Seignior.

WHEREAS by an act of parliament passed in the twelfth year of the reign of his late majesty King Charles the Second, intituled, An act for the encouraging and encreasing of shipping and navigation, it is amongst other things enacted, That no goods or commodities which are of foreign growth, production and manufacture, which by the said act are to be brought into England, Ireland, Wales, the islands of Guernsey or Jersey, or town of Berwick upon Tweed, in English or other shipping, navigated in such manner as therein is mentioned, shall be shipped or brought from any other place or places, country or countries, but only from those of the said growth, production or manufacture, or from those parts where the said goods and commodities could only or were or usually had been first shipped for transportation, and from none other places or countries: and whereas in the said act there is a proviso in the words following; (viz.) Provided always, That this act, or any thing therein contained, extend not, or be meant to restrain and prohibit the importation of any the commodities of the Streights or Levant seas, loaden in English built shipping, and whereof the master and three fourths of the mariners at least are English, from the usual ports or places for lading of them heretofore within the said Streights or Levant seas, though the said commodities be not of the very growth of the said places: and whereas at the time of passing the said recited act, the subjects of France exported very little woollen manufacture into Turkey, and were then supplied with great quantities of woollen goods from England for their own use, and likewise with raw silks, and other goods of Turkey, which were the returns of English woollen manufactures; for all which the importation into France was then free for the subjects of England: and whereas the woollen manufacture in France has since that time been greatly increased, and very large quantities of such goods are now annually imported from thence to Turkey, in return whereof they bring from thence raw silk and other

12 Car. 2. c. 12.

After Sept. 29. 1720. the proviso in the recited act, as to the importation of raw silk and mohair yarn of the product of Asia, is repealed, except to places within the grand signior's dominions.

commodities to Marseilles, and other parts in France, great quantities whereof are carried into Italy, and from thence imported into Great Britain in English shipping, greatly to the discouragement of the woollen manufactures of Great Britain, and the advancement thereof in France; and without some speedy care therein, the British trade to Turkey will be daily lessened, and is in danger of being entirely lost: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty ninth day of September one thousand seven hundred and twenty, the said last recited clause or proviso, as to the importation of raw silk and mohair yarn, of the product or manufacture of *Asia*, shall be, and is hereby repealed, excepting only as to the ports and places in the said *Streights* or *Levant* seas which are within the dominions of the *Grand Seignior*.

C A P. XV.

An act to repeal so much of the act, intituled, An act for preventing frauds, and regulating abuses in his Majesty's customs, passed in the thirteenth and fourteenth years of King Charles the Second, as relates to the prohibiting the importation of deal-boards and fir-timber from Germany.

13 & 14 Car. 2. c. 11. sect. 23.

WHEREAS by a clause in an act of parliament passed in the thirteenth and fourteenth years of the reign of King Charles the Second, intituled, An act for preventing frauds, and regulating abuses in his Majesty's customs, deal-boards and fir-timber are (among other things therein mentioned) prohibited to be imported from the Netherlands or Germany, upon any pretence whatsoever, in any sort of ships or vessels whatsoever, upon penalty of the loss of all the said goods, as also the ship and furniture: and whereas fir-timber, fir-planks, masts, and deal-boards, are not only found to be useful and necessary in the building and refitting his Majesty's ships of war, and other ships and vessels, but the same have of late years been, and now are very much used in and about all manner of buildings, which hath occasioned so great a demand for, and consumption of the said commodities, that the price thereof, at the places from whence the same may now be lawfully imported, is very much increased, to the prejudice of trade, which may be remedied, if the said prohibition be taken off, whereby the said commodities will become more plentiful, and the price thereof much reduced: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of August which shall be in the year of our Lord one thousand seven hundred and twenty, so much of the said act, intituled, *An act for preventing frauds, and regulating abuses in his Majesty's customs,* as

After Aug. 1. 1720. so much of the recited act as prohibits the importation of deal-boards, &c. from Germany only, shall be repealed,

pro-

prohibits the importation of deal-boards and fir-timber from ^{13 & 14 Car. 2.} *Germany* only, shall be, and the same is hereby repealed, annulled and made void, to all intents and purposes whatsoever.

II. And be it further enacted by the authority aforesaid, That from and after the said first day of *August* one thousand seven hundred and twenty, it shall and may be lawful to and for any of his Majesty's subjects, to import any quantity or quantities of fir-timber, fir-planks, masts, and deal-boards, being of the growth of *Germany*, into this kingdom, from any port or place in *Germany*, in *British* built ships only, so as the owner or owners are his Majesty's *British* subjects, and whereof the master, and three fourths of the mariners at least are *British* subjects, paying the like rates and duties to his Majesty for the same, as are now payable for fir-timber, fir-planks, masts, and deal-boards imported from *Norway*.

His Majesty's subjects may import fir-timber, &c. from *Germany*, paying the like duties as that imported from *Norway*.

III. Provided always, and be it further enacted, That this act, or any thing therein contained, shall not extend, or be construed to extend, to discharge or repeal the said clause in the said act of parliament, so far as the same prohibits importation of the said commodities from the *Netherlands*: but as to such importation thereof from the *Netherlands*, or any port or place therein, the before mentioned act, and all the penalties and forfeitures therein contained, shall be in full force and effect, as fully and entirely as if this act had never been made; any thing in this present act to the contrary thereof in any wise notwithstanding.

Not to repeal the clause in the recited act so far as it prohibits the importation of the said commodities from the *Netherlands*.

CAP. XVI.

An act to explain and amend an act passed in the first year of his Majesty's reign, intituled, An act to encourage the planting of timber-trees, fruit-trees, and other trees, for ornament, shelter or profit, and for the better preservation of the same, and for the preventing the burning of woods, and for the better preservation of the fences of such woods.

WHEREAS divers lewd, lawless, turbulent and disorderly persons and others, some times in an open, riotous and tumultuous manner, and at other times in a clandestine, malicious, and private manner, do (without the consent of the owners) enter the woods, wood-grounds, coppices, plantations, parks and chases of divers lords of maners, and other owners and proprietors thereof, and make great havock and destruction, by cutting down, breaking, throwing down, barking, plucking up, defacing, spoiling, taking or carrying away, the wood, or springs of wood, poles, woods, tops of trees, fruit-trees, thorns, quicksets and underwoods, there growing or being, and also by breaking open, throwing down, levelling or destroying the hedges, gates, posts, stiles, railing, fences, ditches, banks, walls, or other inclosures of such woods, wood-grounds, parks, chases or coppices, and the offenders therein being not discovered, pass

1 Geo. 1. stat.
2. c. 48.

with impunity, to the great discouragement of all owners, planters and preservers of wood, and to the great wrong and injury of such lords of manors, and other owners and proprietors of such woods, wood-grounds, parks, chases, coppices, plantations, timber-trees, fruit-trees, or other trees, thorns or quicksets: and whereas some doubts have arisen whether the offences committed in the day-time, mentioned in an act passed in the first year of his Majesty's reign, intituled, An act to encourage the planting of timber-trees, fruit-trees, and other trees, for ornament, shelter or profit, and for the better preservation of the same, and for the preventing the burning of woods, are punishable by the said act: and whereas there is no provision made in the said act for punishing the offences committed by persons who shall break open, throw down, level or destroy the hedges, gates, posts, stiles, railing, fences, ditches, banks, walls or other inclosures of such woods, wood-grounds, plantations and coppices: therefore for the explaining and amending the said act, and for remedying the several mischiefs herein before-mentioned, and for the better preserving of all such wood-springs or springs of wood, poles, quick-woods, plantations, under-woods, coppice-woods, gates, posts, stiles, railing, fences, hedges, walls and other inclosures of woods, from being unlawfully cut, taken, spoiled, broken, burnt, destroyed, defaced or carried away; and for the better discovering and more effectual punishment of such offenders therein, their aiders and abettors; and for the providing satisfaction for the damages the respective proprietors thereof shall sustain thereby: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That if any person or persons whatsoever, from and after the twenty fourth day of June which shall be in the year of our Lord one thousand seven hundred and twenty, shall, either by day or by night, cut, take, destroy, break, throw down, bark, pluck up, burn, deface, spoil or carry away any wood-springs or springs of wood, trees, poles, wood, tops of trees, under-woods or coppice-woods, thorns or quicksets, without the consent of the owner or owners of such woods, wood-grounds, parks, chases or coppices, plantations, timber-trees, fruit-trees or other trees, thorns or quicksets, or of the person chiefly intrusted with the care and custody thereof, or shall break open, throw down, level or destroy any hedges, gates, posts, stiles, railing, walls, fences, dikes, ditches, banks or other inclosures of such woods, wood-grounds, parks, chases or coppices, plantations, timber-trees, fruit-trees or other trees, thorns or quicksets, such lords of manors, owners and proprietors of the same, that is, are, shall or may be damaged thereby, shall have such remedy, and have and receive such satisfaction and recompence of and from the inhabitants of the parishes, towns, hamlets, villages or places joining on such wood-springs or springs of wood, wood-grounds, parks, chases or coppices, and recover such damages against the parish, town, hamlet,

After June 24.
1720. owners
of trees,
hedges, &c.
cut down,
spoiled, &c. ei-
ther by day or
by night, shall
have satisfac-
tion from the
inhabitants of
the place, in
the same man-
ner as for
dikes, &c.
overthrown in
the night, is
provided by
13 Ed. 1.

hamlet, vill or place, parishes, towns, hamlets, villages or places
 aforesaid, and in the same manner and form as for dikes and
 hedges overthrown by persons in the night, or at another sea-
 son when they suppose not to be espied, as in and by an act of
 parliament made in the thirteenth year of the reign of King
 Edward the First, intituled, *Lords may approve against their neigh-* 13 Ed. 1. stat. 1.
bours: usurpations of commons during the estate of particular tenants, c. 46.
 is set forth and provided; unless the party or parties so offend-
 ing shall, by such parish, town, hamlet, vill or place, parishes, towns, hamlets, villages or places, be convicted of such offence
 within the space of six months from the committing such offence
 or offences; any law or construction to the contrary in any wise
 notwithstanding.

Unless the of-
 fender be con-
 victed in six
 months.

II. And be it further enacted and declared by the authority
 aforesaid, That if any person or persons, at any time or times
 from and after the said twenty-fourth day of *June*, in a riotous,
 open, tumultuous, or in a secret and clandestine manner, force-
 ably or wrongfully and maliciously, and without the consent of
 the proprietor, wood-reeve, wood-keeper or person chiefly in-
 trusted with the care, over-sight and custody of such woods,
 wood-grounds, parks, chafes, coppices or plantations, shall
 cut down, destroy, break, bark, throw down, burn, take, de-
 face, spoil or carry away any wood or springs of wood, under-
 wood or coppice-wood, or shall in such a riotous, forceable,
 tumultuous, secret or clandestine manner as aforesaid malici-
 ously break open, throw down, level or destroy any hedges,
 gates, posts, stiles, rails, fences, ditches, banks or inclosures
 of such woods, wood-grounds, coppices, plantations, timber-
 trees, fruit-trees or other trees, thorns or quicksets, that then
 it shall and may be lawful to and for any two or more justices
 of the peace of the county, riding, division, city, town, bo-
 rough or corporation wherein any such offence or offences shall
 be committed, or for the justices, upon com-
 plaint to them made by any inhabitant of the aforesaid parish,
 hamlet, vill or place, or of the owner of such tree or trees,
 woods, wood-grounds, parks, chafes, coppices or plantations,
 or of any other, to cause such offender or offenders to be appre-
 hended for the trespasses and offences aforesaid, or any of them,
 and to hear and finally determine and adjudge all and every
 the offence and offences aforesaid: and if such justices shall
 convict any person or persons of all or any the trespasses and
 offences aforesaid, then such justices, immediately after such
 conviction, shall and are hereby required to inflict all and eve-
 ry the same penalties and punishments in the said act of the first
 year of his Majesty's reign herein before-mentioned, as fully and
 largely, and in the same manner, for all and every the crimes
 and offences herein before expressed, although not contained in
 the said act, as if the same were here again repeated and re-
 enacted.

Two justices
 of peace of
 the place, or
 the sessions, to
 hear com-
 plaints and
 finally deter-
 mine all of-
 fences against
 this act.

And if they
 convict any
 person, shall
 inflict the
 same penal-
 ties, &c. as in
 the act 1 Geo.
 1. stat. 2. c. 48.

III. Provided always, and be it enacted by the authority a-
 foresaid, That in case any action or actions, suit or suits, shall

Persons sued
 may plead the
 at

Anno sexto GEORGII I. C. 17, 18. [1719.

at any time hereafter be brought, commenced or prosecuted against any person or persons for any cause, matter or thing done in pursuance of this act or the before recited acts, that the defendant or defendants in such suit or suits shall and may plead the general issue, and thereupon give the special matter of his defence in evidence; and in case a verdict passes therein for such defendant or defendants, or the plaintiff becomes nonsuit, or discontinues his action, the defendant or defendants in such case shall have and recover treble costs; any law or custom to the contrary thereof in any wise notwithstanding.

CAP. XVII.

An act for appointing commissioners to examine, state and determine the debts due to the army; and to examine and state the demands of several foreign princes and states for subsidies during the late war. EXP.

CAP. XVIII.

An act for better securing certain powers and privileges intended to be granted by his Majesty by two charters for assurance of ships and merchandizes at sea, and for lending money upon bottomry; and for restraining several extravagant and unwarrantable practices therein mentioned.

MOST gracious Sovereign, whereas it hath for many ages past been esteemed good policy, by all proper ways and means, to secure and encourage the trade of this realm, whereby the wealth and strength of the same, and particularly the shipping, navigation and public revenues thereof, have been increased; and it hath been, time out of mind, a custom or usage amongst merchants, as well of this realm as of foreign nations, when they make any adventures at sea (especially into remote or dangerous parts) to give a premium or consideration to particular persons, to have from such particular persons assurance of or upon ships, goods or merchandizes adventured, or some of them, at such rates or prices as the parties assurers and the parties assured can agree, which kind of contract or dealing is commonly called a policy of assurance, and several laws and statutes now in force have been made concerning the same assurances; notwithstanding which it is found by experience, that many particular persons, after they have received large premiums or consideration-moneys for or towards the insuring ships, goods and merchandizes at sea, have become bankrupts or otherwise failed in answering or complying with their policies of assurance, whereby they were particularly engaged to make good or contribute towards the losses which merchants or traders have sustained, to the ruin or impoverishment of many merchants and traders, and to the discouragement of adventurers at sea, and to the great diminution of the trade, wealth, strength and public revenues of this kingdom: and whereas it is conceived, That if two several and distinct corporations, with a competent joint stock to each of them belonging, and under proper conditions, restrictions and regulations, were erected and established for assurance of
ships,

43 Eliz. c. 12.
13 & 14 Car. 2.
c. 23.

ships, goods or merchandizes at sea, or going to sea (exclusive of all or any other corporations or bodies politick already created, or hereafter to be created, and likewise exclusive of such societies or partnerships as now are or may hereafter be entered into for that purpose) several merchants or traders, who adventure their estates, or part of their estates, in such ships, goods or merchandizes at sea, or going to sea (especially in remote or hazzardous voyages) would think it much safer for them to depend on the policies or assurances of either of those two corporations so to be erected and established, than on the policies or assurances of private or particular persons; and that such merchants or adventurers as shall hereafter be minded to agree for assurance of their ships, goods or merchandizes with private or particular persons, may still be at liberty so to do according to their own option or choice: and whereas it has also been a custom or usage in this as well as in other nations, for merchants or traders, who adventure their ships and merchandizes at sea, to borrow money to be repaid upon the return or arrival of such ships, which kind of borrowing is commonly called, taking up money on bottomry; in which cases the lenders run a risque or hazzard, more or less, of losing their principal, and are therefore allowed to contract for such interest or consideration-money for the use or forbearance of the principal, as can be agreed upon between the borrowers and the lenders: and it is considered, That it may be a great advantage and encouragement to trade and navigation, if such merchants and traders might have it in their power, at their own election, either to have recourse to one of the corporations to be erected and established in pursuance of this act, or to private or particular persons, for borrowing money upon bottomry as aforesaid, at such rate or rates as shall be agreed upon between such borrowers and lenders respectively: and whereas the sole right and prerogative of granting charters of incorporation (not being such as are repugnant to any law or statute of this realm) doth belong to your Majesty; and it is considered, That if your Majesty shall be graciously pleased to grant two such distinct charters as aforesaid, the members of each corporation so to be erected and established (for and in consideration of the advantages which may accrue to them respectively thereby, and for having reasonable powers and privileges secured to them in pursuance of this act) may be willing to pay to your Majesty's use such sums of money, at such times and by such proportions, as are herein after mentioned: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for his Majesty, by one charter or indenture under the great seal of Great Britain, to declare and grant, that such and so many persons (who shall be named therein, and of whose abilities and fitness his Majesty shall thereby declare himself to be well satisfied) and all and every such other person and persons as hereafter from time to time shall be duly admitted as members into their corporation, shall be one distinct and separate body politick and corporate for the assurance of ships, goods and merchandizes

His Majesty may grant charters to two distinct companies for assurance of ships, and for lending money on bottomry.

at sea, or going to sea, and for lending money upon bottomry, by such name as his Majesty shall think most proper : and that it shall and may be lawful to and for his Majesty, by another charter or indenture under the great seal of *Great Britain*, to declare and grant, that such and so many other persons (who shall be named therein, and of whose abilities and fitness his Majesty shall thereby declare himself to be well satisfied) and all and every such other person and persons as hereafter from time to time shall be duly admitted as members into their corporation, shall be one other distinct and separate body politick and corporate for assurance of ships, goods and merchandizes at sea, or going to sea, and for lending money upon bottomry, by such name as his Majesty also shall think most proper : and that the said severall and respective corporations, by their respective names aforesaid, shall have perpetual succession, subject nevertheless to such redemption or power of revocation as hereafter in this act is provided concerning the same ; and that the said severall and respective corporations, during the continuance thereof respectively, shall have power from time to time to choose their respective governors, directors and other officers and servants, for better management of the affairs of the same corporations respectively, in such manner and under such qualifications, as shall be prescribed in and by the said respective charters or indentures in that behalf ; nevertheless the first governor and directors of each of the said two corporations shall or may be appointed by his Majesty, in and by the same charters or indentures respectively ; and that the said first governors and directors, and all subsequent governors and directors, shall continue in their respective offices for three years, and in case of death or removal be supplied as in such respective charters or indentures shall be prescribed ; and that each of the said corporations or bodies politick, by such respective names as aforesaid, shall and may have and use a common seal only for the business of the same corporations respectively, and such seal from time to time may break, change, make new or alter, as shall be found most expedient ; and that each of the said corporations shall be able and capable in law to purchase, take and enjoy messuages, lands or tenements not exceeding the value of one thousand pounds *per annum*, and to grant, alien, demise or dispose the same, or any part thereof, at their free wills and pleasures ; and shall be able and capable in law to sue and implead, be sued and impleaded, answer and be answered in courts of record, or elsewhere, in all actions and causes whatsoever, for, touching or concerning the assurance of ships, goods or merchandizes at sea, or lending money upon bottomry, or any other matter or thing whatsoever concerning the same corporations respectively.

II. And it is hereby further enacted by the authority aforesaid, That each of the said two corporations to be erected and established as aforesaid (for and in consideration of the benefits and advantages which may accrue to them respectively by virtue

to have perpetual succession, but subject to redemption.

They may choose their own governors, &c.

The first governors, &c. to be appointed by his Majesty.

To continue in their places for three years, &c. To have a common seal.

May purchase lands to the value of 1000l. per ann.

May sue or be sued.

Each of the corporations to pay into the exchequer 300,000 l. for

due of the said respective charters or indentures, and the grants thereby to be made to each of them) shall be obliged by force and virtue of this act, and of the respective charters or indentures before-mentioned, to pay or cause to be paid into the receipt of the exchequer at *Westminster*, for the use of the King's majesty, in order to discharge the debts and expences of his civil government, the full sum of three hundred thousand pounds of lawful money of *Great Britain* (which for both corporations will amount in the whole to six hundred thousand pound;) the said payments for each corporation to be made in manner following; that is to say, one full and equal third part thereof within one calendary month after the date of the respective charter or indenture, for or upon account of which such payment is to be made; one full and equal sixth part thereof within three calendary months after such date; one other full and equal sixth part thereof within five calendary months after such date; one other full and equal sixth part thereof within eight calendary months after such date; and the remaining sixth part thereof within ten calendary months after such date, without any deduction, defalcation or abatement whatsoever.

discharging
the debts of
the civil list.
7Geo. 1. c. 27.
sect. 26.

Times of pay-
ment.

III. And it is hereby enacted, That in case the said corporations, or either of them, shall make failure in payment of the said several sums of three hundred thousand pounds and three hundred thousand pounds, to be paid by each of them respectively as aforesaid, or any part thereof, at the respective times herein before limited for payment of the same, then and in every or any such case or cases, the money whereof such failure in payment shall be made, shall and may be recovered in his Majesty's name against the particular corporation or corporations making such failure, by action of debt or upon the case, bill, suit or information in any his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege or wager of law shall be allowed, or any more than one imparlance; and in such action, bill, suit or information it shall be lawful to declare, That the said corporation so making default in payment is indebted to the King's majesty the money whereof such default in payment shall have been made, according to the form of this statute, and have not paid the same, which shall be sufficient; and in or upon such action, bill, suit or information there shall be further recovered against the defendants damage after the rate of ten pounds *per centum per annum* for the monies so unpaid, besides full costs of suit; and each corporation so making default in payment, and its stock and effects shall be and are hereby made subject and liable thereunto; and if default shall be made in the payment of the said several and respective sums of three hundred thousand pounds, or any part thereof, by the space of thirty days after any of the days of payment limited as aforesaid for the payment of the same, or any proportion thereof, that then and from thenceforth it shall and may be lawful to and for the King's majesty, his heirs and suc-

On failure of
payment at
the times of
payment, cor-
poration may
be sued.

Ten per cent.
damages, with
full costs of
suit.

On non-pay-
ment for thir-
ty days, cor-
poration may
be determin-
ed.

successors, by any instrument or writing under his or their great seal of *Great Britain* or privy seal, to signify his or their pleasure for revoking and making void, and thereby to revoke and make void all the powers, privileges and advantages to be granted as aforesaid to that particular corporation so making default, and to determine the same corporation; and thereupon the said powers, privileges and advantages shall accordingly be revoked, and the same corporation shall be determined, without any inquisition, *Scire facias*, or any matter or thing to make void and determine the same; any thing in this present act contained, or in such charters or indentures to be contained to the contrary notwithstanding.

Each corporation to provide a sufficient stock to answer all demands on their policies.

On neglect may be sued, &c.

For pleas in such actions, 11 Geo. 1. c. 30. sect. 43.
Altered as to double damages by 3 Geo. 1. c. 15. sect. 25.

IV. And be it further enacted by the authority aforesaid, That each of the two corporations to be erected and established as aforesaid shall be obliged, by force and virtue of this act, and of the respective charters or indentures to be granted or made forth as aforesaid, from time to time, during the continuance of the same corporations respectively, to cause such a stock of ready money to be provided and reserved, as shall be sufficient to answer, from time to time, all just demands upon their policies of assurance for any losses whatsoever which shall happen; and shall satisfy, pay and discharge the same demands from time to time, according to the tenors of their respective policies of assurance, and the true meaning of this act; and in case of refusal or neglect, the party or parties assured, his, her or their executors, administrators or assigns may bring his, her or their action of debt or on the case, bill, suit or information for the money demanded, against the corporation refusing or neglecting to pay as aforesaid, in any of his Majesty's said courts of record at *Westminster*, wherein no essoin, protection, wager of law, or more than one imparlance shall be granted or allowed; and in such action, bill, suit or information the plaintiff or plaintiffs may declare, That the same corporation is indebted to him, her or them the money so demanded, and have not paid the same according to this act; and thereupon the plaintiff or plaintiffs shall recover against the same corporation double damages, besides full costs of suit, and the stock and effects of the particular corporation so refusing or neglecting to pay, shall be also subject and liable thereto.

V. And to the end the said sums of three hundred thousand pounds and three hundred thousand pounds may be raised and duly paid into the exchequer for his Majesty's use within the respective times before-mentioned; and that sufficient provision of money may be made for ready answering and paying just demands upon the policies of the said respective corporations for losses which shall or may happen at sea; and that the said respective corporations may be enabled to lend money upon bottomry as aforesaid, or to lend or advance money upon any parliamentary securities, and may be furnished with money for other their necessary or lawful occasions: it is hereby further enacted by the authority aforesaid, That each of the said corporations

porations intended to be established by this act shall be obliged, by force and virtue of this act, and of the respective charters or indentures before-mentioned, to raise such sums of money as his Majesty shall therein direct, not exceeding one million five hundred thousand pounds, within such time or times, and by such proportions at a time, and in such manner, as in and by the said charters or indentures respectively shall be appointed; and the monies so raised shall be and be called the capital stock belonging to each of the same corporations respectively.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said respective corporations (when constituted) in such general courts thereof shall be authorized to be holden pursuant to the said charters or indentures respectively, to raise such capital stocks as aforesaid, either by taking subscriptions from particular persons (being or not being members of the said respective corporations) for advancing money for this purpose, according to the orders of such general courts respectively, or by calls of money from the respective members for the time being of the said several corporations, or by such other ways and means, and in such methods, as to such general courts respectively shall seem meet and expedient for making up the said capital stocks respectively; and that all and every person and persons, by or for whom any subscription shall be accepted, or any payment made pursuant to the orders of such general courts respectively, for or towards the raising the said capital stocks, not exceeding one million five hundred thousand pounds, and one million five hundred thousand pounds as aforesaid, his, her and their executors, administrators and assigns respectively shall have and be entitled to a share of and in the said capital stock of that corporation, towards which he, she or they shall have contributed, in proportion to the monies which he, she or they shall have so contributed towards making up the same, and to a proportional share of the profits and advantages attending the capital stock of such corporation respectively, and shall be admitted to be members of the same; but that no person or persons shall be entitled to any greater share in the capital or nominal stock of either of such respective corporations, than the money which he, she or they shall have paid towards the same.

VII. And be it enacted by the authority aforesaid, That the said respective corporations to be erected and established as aforesaid, for better enabling them to answer all just demands upon their respective policies of assurance for losses which may happen at sea, and to lend money upon bottomry as aforesaid, at any time or times during the respective continuances of those corporations, according to the true intent and meaning of this act, shall have power in their respective general courts, from time to time, as they shall see cause, to call in or direct to be paid, from and by their respective members for the time being, proportionally according to their respective share or shares in the

Each corporation to raise a capital stock not exceeding 1,500,000l.

How the capital stock shall be raised.

All subscribers entitled to a share in the capital stock.

Corporation may make calls of money from their members in proportion to their stocks.

Penalty for
not answering
calls.

the capital stock or stocks which do or shall belong to each of the corporations, any further sum and sums of money as by such general courts respectively shall from time to time be judged necessary, and be ordered to be called in or raised; and that all executors, administrators, guardians, trustees and mortgagees shall be indemnified in paying, and are hereby impowered to pay in their respective proportions of the money so called for: and in case any member or members, who shall be required to pay in money upon any call or calls to be made pursuant to this act, shall refuse or neglect to pay his, her or their share of the money so called for, at the time or times appointed for that purpose, by notice inserted in the *London Gazette* and upon the *Royal Exchange* in *London*, it shall and may be lawful to and for the said respective corporations, and their successors, not only to stop the share, dividends and profits which shall from time to time become payable by that particular corporation to such member or members so neglecting or refusing, and to apply the same from time to time for or towards payment of the share of money so called for, and which ought to have been paid by such member or members so neglecting or refusing, until the same shall be satisfied; but also to stop the transfers or assignments of the share and shares of every such defaulter and defaulters, and to charge such defaulter and defaulters with interest after the rate of eight pounds *per centum per annum* for the money so by him, her or them omitted to be paid, from the time the same was appointed to be paid until the payment thereof; and that the share and stock, shares and stocks of such defaulter and defaulters shall be liable to make good and answer the said monies so appointed to be paid, and the interest thereof, as aforesaid; and in case the same principal and interest shall be unpaid by the space of three months, then the same respective corporations, or their respective courts of directors for the time being, shall have power to authorize such person or persons as they respectively shall think fit, to sell, assign and transfer so much of the said stock or stocks of such defaulter or defaulters, as will satisfy and pay the same, rendering the overplus (if any be) to the proprietors; and the money so called for and paid in shall be deemed capital stock, and shall be written in the books of the said respective corporations; and the respective members paying the same shall have credit in the said books for their respective proportions or shares thereof; nevertheless the said respective corporations, and their respective successors, in a general court, from time to time, when they judge their affairs will admit thereof, shall or may cause any sum or sums of money which shall be so called in, or any part thereof, to be divided and distributed to and amongst the then members of that corporation, according and in proportion to the respective share or shares which they shall then have of or in the respective capital stock or stocks of the same; and their respective shares in the capital shall proportionably be abated.

VIII. And

VIII. And be it further enacted by the authority aforesaid, That the said respective corporations to be erected and established as aforesaid, for better enabling them to lend or advance money upon any parliamentary securities at any time or times during the respective continuances of those corporations as aforesaid, shall have power from time to time (in case they shall think fit) to borrow or take up money upon bills, bonds or obligations, under their common seal, at such rate or rates of interest, for any time not less than six months from the borrowing thereof, as they shall think fit, so as all the principal monies which they shall respectively so borrow, shall not at any time exceed the principal monies which shall be then owing to such corporation respectively upon such parliamentary securities, exclusive of the monies which shall have been advanced for or upon account of the said several sums of three hundred thousand pounds before mentioned; and that all such bills, bonds or obligations, under the common seal of either of the said corporations, shall not be chargeable with any duties upon stamp vellum, parchment or paper; any law or statute made or to be made to the contrary notwithstanding.

Each corporation may take up money under their common seal, to advance money on parliamentary securities,

not chargeable with the stamp-duty.

IX. And be it further enacted by the authority aforesaid, That the particular share and shares of the respective members of and in the capital or joint stock or stocks of the two respective corporations before mentioned, from time to time, shall be transferrable, assignable and deviseable, and their bills, bonds and obligations, shall be assignable and recoverable, in such manner and form as his Majesty, by the said respective charters or indentures, shall prescribe and appoint, as well in relation to such share and shares of stock, as in reference to such bills, bonds or obligations respectively; and that the capital stocks of the said respective corporations, intended to be erected and established in pursuance of this act, and the share and interest of each and every particular member thereof and therein, shall be deemed and adjudged in all courts of law and equity, and elsewhere, to be a personal and not a real estate, and shall go to the executors or administrators of the person or persons dying possessed thereof, or entitled thereunto, and not to the heir of such person or persons; any law, statute, usage or custom to the contrary notwithstanding.

Shares in the corporations transferrable and deviseable.

Stock a personal estate, and to go to executors.

X. And be it further enacted by the authority aforesaid, That the capital stock and stocks of the said respective corporations, to be established pursuant to this act, and the shares, parts, and interest of the respective members of the same corporations, of and in the same capital stock and stocks, or the stock of money to be raised for the purposes in this act shall, during the continuance thereof, be exempted, and are hereby exempted from any taxes, rates, assessments or impositions whatsoever by act of parliament, or otherwise; and that no person which shall be governor, director, or other officer of either of the said corporations to be erected, as aforesaid, shall for that cause only be disabled from being a member of parliament,

Stock not to be taxed.

Governor, &c. may be members of parliament, &c.

liament, nor shall in respect of such share or shares be or be adjudged liable to be a bankrupt within the intent and meaning of all or any the statutes made against or concerning bankrupts, and that no stock in the said respective corporations shall be subject or liable to any foreign attachment by the custom of *London*, or otherwise; any law or statute to the contrary notwithstanding.

His Majesty may empower them by charter to make by-laws, &c.

XI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, in and by the said respective charters or indentures, to grant to the said respective corporations thereby to be erected or constituted, power to make by-laws and ordinances, and such further powers, authorities, privileges and advantages, relating to the said assurances of ships, goods, and merchandizes at sea or going to sea, or lending money upon bottomry, as aforesaid, as to his Majesty shall seem meet, and to subject the same corporations respectively, and the powers, authorities, privileges and advantages so to be granted thereunto, as aforesaid, every or any of them, to such restrictions and regulations, as to his Majesty shall seem most expedient, and in the same charters or indentures respectively shall be expressed.

During the two corporations, no other societies may assure ships, or lend money on bottomry.

XII. And be it further enacted by the authority aforesaid, That from and after the granting or making of the said respective charters or indentures for erecting the two corporations before-mentioned, and passing the same under the said great seal, for and during the continuance of the same corporations respectively, or either of them, all other corporations or bodies politick, before this time erected or established, or hereafter to be erected or established, whether such corporations or bodies politick, or any of them, be sole or aggregate, and all such societies and partnerships as now are, or hereafter shall or may be entred into by any person or persons, for assuring ships or merchandizes at sea, or for lending money upon bottomry, signing or under-writing any policy or policies of assurance, or making any contracts for assurance of or upon any ship or ships, goods or merchandizes at sea or going to sea, and from lending any monies by way of bottomry, as aforesaid; and if any corporation or body politick, or persons acting in such society or partnership (other than the two corporations intended to be established by this act, or one of them) shall presume to grant, sign or underwrite, after the four and twentieth day of *June* one thousand seven hundred and twenty, any such policy or policies, or make any such contract or contracts for assurance of or upon any ship or ships, goods or merchandizes at sea or going to sea, or take or agree to take any premium or other reward for such policy or policies, every such policy and policies of assurance of or upon any such ship or ships, goods or merchandizes, shall be *ipso facto* void, and all and every sum and sums so signed or underwritten in such policy or policies shall be forfeited, and shall and may be recovered, to wit, one moiety thereof

Penalty for corporations assuring.

hereof to the use of his Majesty, his heirs and successors, and the other moiety thereof to the use of such person or persons as will inform or sue for the same, in any of his Majesty's courts of record at *Westminster*, in which action, suit or information, no essoin, protection, privilege, wager of law, or more than one imparlance shall be granted or allowed: and if any corporation or body politick, or persons acting in such society or partnership, as aforesaid, other than the two corporations intended to be established by this act, or one of them, shall presume to lend, or agree to lend, or advance, by themselves, or any others on their behalf, after the said four and twentieth day of *June* one thousand seven hundred and twenty, any money by way of bottomry, as aforesaid, contrary to this act, the bond or other security for the same shall be *ipso facto* void, and such agreement shall be adjudged to be an usurious contract, and the offenders therein shall suffer as in cases of usury: nevertheless it is intended and hereby declared, That any private or particular person or persons shall be at liberty to write or underwrite any policies, or engage himself or herself in any assurances of, for, or upon any ship or ships, goods or merchandizes at sea or going to sea, or may lend money by way of bottomry, as aforesaid, as fully and beneficially as if this act had never been made, so as the same be not upon the account or risque of a corporation or body politick, or upon the account or risque of persons acting in a society or partnership for that purpose, as aforesaid; any thing herein contained to the contrary notwithstanding.

Penalty for lending money on bottomry.

But any private persons may assure, &c.

XIII. And it is hereby enacted, That if any person or persons shall forge or counterfeit the common seal of either of the said corporations to be erected and established pursuant to this act, or shall forge, counterfeit or alter any policy, bill, bond or obligation, under the common seal of either of the same corporations, or shall offer to dispose of or pay away any such forged, counterfeit or altered policy, bill, bond or obligation, knowing the same to be such, or shall demand the money therein contained or pretended to be due thereon, or any part thereof, of or from such of the same corporations as shall be mentioned or referred to therein, or any of their officers, knowing such policy, bill, bond or obligation, to be forged, counterfeited or altered, with intent to defraud the same corporation, or their successors, or any other person or persons whatsoever, every such person or persons so offending, and being convicted thereof in due form of law, shall be guilty of felony, and suffer as in cases of felony, without benefit of clergy.

Forging the common seal of the corporations, or any policy, &c. Felony.

XIV. Provided always, and be it further enacted by the authority aforesaid, That no person shall be capable of being elected a governor, sub-governor, deputy-governor, or director of either of the corporations intended to be erected and established in pursuance of this act, during the time that he shall be a governor, sub-governor, deputy-governor, or director of the other corporation intended to be erected and established in pursuance of this act; and that every person who shall be elected

None may be governor, &c. of both the corporations at the same time,

or purchase
stock in both
corporations.

Penalty.

On three years
notice at any
time within
31 years, on
payment of
the 300,000 l.
the corpora-
tions may be
determined,
by parliament.

After 31 years,
if the corpora-
tions are
judged inconven-
ient, his
Majesty may
determine
them.

a governor, sub-governor, deputy-governor, or director of either of the corporations intended to be erected and established in pursuance of this act shall, during the time he shall be such governor, sub-governor, deputy-governor, or director, be incapable of being chosen a governor, sub-governor, deputy-governor, or director of the other corporation intended to be erected and established in pursuance of this act; and if any governor, sub-governor, deputy-governor, or director, or member of either of the corporations intended to be erected and established in pursuance of this act, having any share in the capital stock of that corporation, shall in his or her own name, or in the name or names of any other person or persons in trust for such governor, sub-governor, deputy-governor, director or member, purchase any share in the capital stock of the other corporation intended to be erected and established in pursuance of this act, that then and in every such case, the share so purchased shall be forfeited; the one moiety thereof to the use of his Majesty, his heirs and successors, and the other moiety to the use of such person or persons as will inform or sue for the same, and to be recovered in the manner before-mentioned.

XV. Provided always, and it is hereby further enacted by the authority aforesaid, That upon three years publick notice to be printed in the *London Gazette*, and affixed upon the *Royal Exchange* in *London*, by authority of parliament, at any time within or during the term of thirty one years, to be reckoned from the date or respective dates of the two charters or indentures intended to pass under the great seal of *Great Britain*, as aforesaid, and upon payment by parliament to the said respective corporations of the said respective sums of three hundred thousand pounds, and three hundred thousand pounds, which shall have been advanced to his Majesty's use, as aforesaid, without any interest or consideration for the forbearance thereof, then and not till then the said respective corporations, and all the powers, privileges, benefits and advantages to be granted to them respectively, in pursuance of this act, shall cease, determine and become void; any thing contained in this act, or to be contained in the said charters or indentures, or either of them, to the contrary notwithstanding; and that any vote or resolution of the house of commons signified by the speaker in writing, to be inserted in the said *London Gazette*, and affixed on the *Royal Exchange* in *London*, as aforesaid, shall be deemed and adjudged to be sufficient notice within the words and meaning of this act.

XVI. Provided also, and it is hereby enacted, That if at any time after the expiration of the said term of thirty one years, his Majesty, his heirs or successors, shall judge the farther continuance of the said two corporations to be hurtful or inconvenient to the publick, then and from thenceforth it shall and may be lawful to and for his Majesty, his heirs or successors, by any letters patents under the great seal of *Great Britain*, to revoke and make void the same corporations, and all the

the powers, privileges, benefits and advantages to be granted to them respectively, as aforesaid, and thereupon the same shall determine and become void accordingly, without any inquisition, *scire facias*, or other matter or thing to make void or determine the same; any thing contained in this act, or to be contained in the said charters or indentures, or either of them, to the contrary notwithstanding.

XVII. Nevertheless it is intended and hereby declared and enacted, That in case the said corporations shall be redeemed upon such notice and payment, within the said term of thirty one years, or be revoked by such letters patents, as aforesaid, after the said term of thirty one years, the same corporations, or any corporation or corporations, with like powers, privileges, benefits and advantages, shall not be grantable again to any persons or corporations whatsoever, but shall remain suppressed for ever, as having been found inconvenient and prejudicial to the publick.

XVIII. *And whereas it is notorious, that several undertakings or projects of different kinds have, at some time or times since the four and twentieth day of June one thousand seven hundred and eighteen, been publicly contrived and practised, or attempted to be practised, within the city of London and other parts of this kingdom, as also in Ireland, and other his Majesty's dominions, which manifestly tend to the common grievance, prejudice and inconvenience of great numbers of your Majesty's subjects in their trade or commerce, and other their affairs; and the persons who contrive or attempt such dangerous and mischievous undertakings or projects, under false pretences of publick good, do presume, according to their own devices and schemes, to open books for publick subscriptions, and draw in many unwary persons to subscribe therein towards raising great sums of money, whercupon the subscribers or claimants under them do pay small proportions thereof, and such proportions in the whole do amount to very large sums; which dangerous and mischievous undertakings or projects do relate to several fisheries, and other affairs, wherein the trade, commerce, and welfare of your Majesty's subjects, or great numbers of them, are concerned or interested: and whereas in many cases the said undertakers or subscribers have, since the said four and twentieth day of June one thousand seven hundred and eighteen, presumed to act as if they were corporate bodies, and have pretended to make their shares in stocks transferrable or assignable, without any legal authority, either by act of parliament, or by any charter from the crown for so doing; and in some cases the undertakers or subscribers, since the said four and twentieth day of June one thousand seven hundred and eighteen, have acted or pretended to act under some charter or charters formerly granted by the crown for some particular or special purposes therein expressed, but have used or endeavoured to use the same charters for raising joint stocks, and for making transfers or assignments, or pretended transfers or assignments for their own private lucre, which were never intended or designed by the same charters respectively; and in some cases the undertakers or subscribers, since the said four and twentieth day of June one thousand*

and seven hundred and eighteen, have acted under some obsolete charter or charters, although the same became void or voidable by nonuser or abuser, or for want of making lawful elections, which were necessary for the continuance thereof; and many other unwarrantable practices (too many to enumerate) have been, and daily are and may hereafter be contrived, set on foot, or proceeded upon, to the ruin and destruction of many of your Majesty's good subjects, if a timely remedy be not provided: and whereas it is become absolutely necessary, that all publick undertakings and attempts, tending to the common grievance, prejudice and inconvenience of your Majesty's subjects in general, or great numbers of them, in their trade, commerce, or other lawful affairs, be effectually suppressed and restrained for the future, by suitable and adequate punishments for that purpose to be ascertained and established: now for suppressing such mischievous and dangerous undertakings and attempts, and preventing the like for the future, may it please your most excellent Majesty, at the humble suit of the said lords spiritual and temporal and commons, in this present parliament assembled, that it may be enacted; and be it enacted by authority of this present parliament, That from and after the four and twentieth day of June one thousand seven hundred and twenty, all and every the undertakings and attempts described, as aforesaid, and all other publick undertakings and attempts, tending to the common grievance, prejudice and inconvenience of his Majesty's subjects, or great numbers of them, in their trade, commerce, or other lawful affairs, and all publick subscriptions, receipts, payments, assignments, transfers, pretended assignments and transfers, and all other matters and things whatsoever, for furthering, countenancing or proceeding in any such undertaking or attempt, and more particularly the acting or presuming to act as a corporate body or bodies, the raising or pretending to raise transferrable stock or stocks, the transferring or pretending to transfer or assign any share or shares in such stock or stocks, without legal authority, either by act of parliament, or by any charter from the crown, to warrant such acting as a body corporate, or to raise such transferrable stock or stocks, or to transfer shares therein, and all acting or pretending to act under any charter, formerly granted from the crown, for particular or special purposes therein expressed, by persons who do or shall use or endeavour to use the same charters, for raising a capital stock, or for making transfers or assignments, or pretended transfers or assignments of such stock, not intended or designed by such charter to be raised or transferred, and all acting or pretending to act under any obsolete charter become void or voidable by nonuser or abuser, or for want of making lawful elections, which were necessary to continue the corporation thereby intended, shall (as to all or any such acts, matters and things, as shall be acted, done, attempted, endeavoured or proceeded upon, after the said four and twentieth day of June one thousand seven hundred and twenty) for ever be deemed to

After 24 June 1720. all undertakings tending to the prejudice of trade,

and all subscriptions, &c. thereto,

or presuming to act as corporate bodies without legal authority,

and all acting void under obsolete charters, &c.

to be illegal and void, and shall not be practised or in any wise shall be deemed illegal and put in execution.

XIX And be further enacted by the authority aforesaid, All such un-
That from and after the said four and twentieth day of *June* ^{dertakings} one thousand seven hundred and twenty, all such unlawful un-
dertakings and attempts, so tending to the common grievance, ^{deemed pub-}
prejudice and inconvenience of his Majesty's subjects, or a ^{lick nufances.}
great number of them, in their trade, commerce, or other law-
ful affairs, and the making or taking of any subscriptions for
that purpose, the receiving or paying of any money upon such
subscriptions, the making or accepting of any assignment or
transfer, or pretended assignment or transfer, of any share or
shares upon any such subscription, and all and every other mat-
ter and thing whatsoever, for furthering, countenancing, or
proceeding in any such unlawful undertaking or attempt, and
more particularly the presuming or pretending to act as a cor-
porate body, or to raise a transferrable stock or stocks, or to
make transfers or assignments of any share or shares therein,
without such legal authority, as aforesaid, and all acting or pre-
tending to act under any charter formerly granted from the
crown for any particular or special purposes therein expressed,
by persons making or endeavouring to make use of such char-
ter for any such other purpose not thereby intended, and all
acting or pretending to act under any such obsolete charter as is
before described, and every of them (as to all or any such acts,
matters or things as shall be so acted, done, attempted, endea-
voured or proceeded upon, after the said four and twentieth
day of *June* one thousand seven hundred and twenty) shall be
deemed to be a publick nuisance and nufances, and the same,
and all causes, matters and things relating thereto, and every
of them, shall for ever hereafter be examined, heard, tried
and determined as common nufances are to be examined, heard,
tried, and determined by or according to the laws of this realm;
and all offenders therein, being thereof lawfully convicted upon
information or indictment, in any of his Majesty's courts of re-
cord at *Westminster*, or in *Edinburgh*, or in *Dublin*, shall be li-
able to such fines, penalties, and punishments, whereunto
persons convicted for common and publick nufances are, by
any of the laws and statutes of this realm, subject and liable;
and moreover shall incur and sustain any further pains, penal-
ties and forfeitures, as were ordained and provided by the sta-
tute of provision and *præmunire* made in the sixteenth year of the
reign of King *Richard* the Second. <sup>and shall incur
a præmunire.
16 R. 2. c. 5.</sup>

XX. And be it further enacted by the authority aforesaid, How mer-
That if any merchant or trader, at any time after the said four chants or tra-
and twentieth day of *June* one thousand seven hundred and ders may have
twenty, shall suffer any particular damage in his, her or their their remedy
trade, commerce, or other lawful affairs, by occasion or means against the un-
of any undertaking or attempt, matter or thing, by this act de- dertakers.
clared to be unlawful, as aforesaid, and will sue to be relieved
therein, then and in every such case, such merchant or trader
shall

shall and may have his and their remedy for the same by an action or actions to be grounded upon this statute, against the persons, societies or partnerships, or any of them, who contrary to this act shall be engaged or interested in any such unlawful undertaking or attempt; and every such action and actions shall be heard and determined in any of his Majesty's courts of record aforesaid, wherein no essoin, protection, wager of law, or more than one imparlance shall be granted or allowed; and in every such action the plaintiff shall or may recover treble damages with full costs of suit.

Penalty on brokers buying or selling any shares in such undertakings.

XXI. And it is hereby further enacted by the authority aforesaid, That if any broker or person acting as a broker for himself, or in behalf of any others, at any time or times after the said four and twentieth day of *June* one thousand seven hundred and twenty, shall bargain, sell, buy or purchase, or contract or agree for the bargaining, selling, buying or purchasing of any share or interest in any of the undertakings by this act declared to be unlawful, or in any stock or pretended stock of such undertakers, that then and in every such case, every such broker or person acting as such, shall not only be disabled and rendered incapable to be or act as a broker for the future, but shall also forfeit and lose the sum of five hundred pounds, to be recovered, to wit, one moiety thereof to the use of the King's majesty, his heirs and successors, and the other moiety thereof to the use of any person or persons who will inform or sue for the same in any of his Majesty's said courts of record, as aforesaid, with full costs of suit.

Not to extend to undertakings settled before 24 June, 1718.

XXII. Provided always, and be it enacted by the authority aforesaid, That this act, or any thing therein contained, shall not extend to any undertakings, or other matters or things settled, established, or practised in point of time before the said four and twentieth day of *June* one thousand seven hundred and eighteen, but that the same, and every of them, shall be of such or the like force, effect or validity, and no other, as they respectively would be of in case this act had never been made; any thing herein contained to the contrary notwithstanding.

Nor to prejudice the two corporations hereby erected.

XXIII. Provided also, and it is hereby further intended, declared and enacted by the authority aforesaid, That any of the clauses, matters or things in this act contained, shall not extend, or be construed to hinder his Majesty from erecting or establishing the two corporations intended by this act to be erected and established, as is above mentioned, or either of them, or to prejudice those two corporations, or either of them, (when erected) in the exercise or enjoying of the powers, privileges, benefits or advantages intended to be granted to them respectively, by such respective charters or indentures as are above mentioned in that behalf, subject nevertheless to such powers of redemption or revocation as are above in this act prescribed for that purpose; any thing in this act contained to the contrary notwithstanding.

Or the South-Sea company:

XXIV. Provided also, That any thing in this act contained shall not extend, or be construed to extend to hinder or deprive the

the corporation of the governor and company of merchants of *Great Britain*, trading to the *South-Seas* and other parts of *America*, and for encouraging the fishery, or their successors, from having and enjoying of all and every or any such powers, privileges, benefits, profits, properties, matters and things, as do or shall belong to them, or which they could or might enjoy, in any manner of wise whatsoever, if this act had not been made (except as to insurance upon ships and merchandize at sea or going to sea;) any thing herein contained to the contrary in any wise notwithstanding.

XXV. Provided always, That nothing in this act shall extend, or be construed to extend to prohibit or restrain the carrying on of any home or foreign trade in partnership in such manner as hath been hitherto usually, and may be legally done according to the laws of this realm now in force, excepting only as to the insuring of ships and goods or merchandizes at sea, or going to sea, and lending money upon bottomry; any thing in this act to the contrary in any wise notwithstanding.

Nor to restrain the carrying on of any home or foreign trade in partnership.

XXVI. Provided nevertheless, That it shall and may be lawful to and for the governor and company of merchants of *Great Britain*, trading to the *South-Seas* and other parts of *America*, and for encouraging the fishery, and for the united company of merchants of *England* trading to the *East-Indies*, and they and either of them have respectively hereby liberty, at any time or times hereafter, to advance or lend on the bottom of any ship or vessel, ships or vessels, and on goods and merchandizes on board any ship or vessel, ships or vessels of the said respective companies, or that is, are or shall be employed in the service of the said companies respectively, to any captains or commanders, agents, sailors, or servants, or other person or persons, which shall at any time or times be employed in the service of the said respective companies, any sum or sums of money whatsoever by way of bottomry; any thing in this act contained to the contrary notwithstanding.

South-Sea and East-India companies may advance money on bottomry to their captains, &c.

XXVII. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend to any corporation formerly created for the carrying on a trade, which they have publickly continued to exercise from the time of their establishment; or to any subscriptions made or to be made for enlarging the capital stock of the governor and company of merchants of *Great Britain*, trading to the *South-Seas* and other parts of *America*, and for encouraging the fishery (by or by order of the general court, or court of directors of the same company) or to any receipts made out and given, or to be made out or given, in respect of such subscriptions, but that all such subscriptions made and to be made, shall be firm and valid, and all receipts made out and given, or to be made out or given, concerning the same, shall be assignable at law by endorsement made or to be made thereon; any thing in this or in any other act, or any law, usage or custom to the contrary notwithstanding.

Nor to extend to corporations formerly created, or to any subscriptions to be made to the capital of the South-Sea.

Salvo for East-
India compa-
ny's privi-
leges.

Companies
not to lend
money to the
crown but on
credit of acts
of parliament.

Penalty.

XXVIII. Provided also, That any thing in this act contain-
ed shall not extend, or be construed to extend to hinder or de-
prive the corporation of the united company of merchants of
England trading to the *East-Indies*, from having and enjoying all
and every such powers, privileges, franchises, benefits, matters
and thing, as do or shall belong to them, or which they could
or might enjoy in any manner of wise if this act had not been
made; any thing in this act to the contrary notwithstanding.

XXIX. Provided always, and it is hereby further enacted,
That if any governor, sub-governor, deputy-governor, director,
or member of either of the corporations intended to be erected
and established in pursuance of this act shall, upon the account
of the said corporations, or either of them, hereby intended to
be established, at any time or times advance or lend to his Ma-
jesty, his heirs or successors, any sum or sums of money, by way
of loan or anticipation, on any part or parts, branch or branches,
fund or funds of the revenues now granted or belonging, or
hereafter to be granted or belonging to his Majesty, his heirs or
successors, other than such fund or funds, part or parts, branch
or branches of the said revenue only, on which a credit of loan
is or shall be granted by parliament, That then the said govern-
or, sub-governor, deputy-governor, director, or other members
of the said corporations, or either of them, who shall consent,
agree to, or approve of the advancing or lending to his Majesty,
his heirs or successors, such sum or sums of money, as afore-
said, and each and every of them, so agreeing, consenting or
approving, and being thereof lawfully convicted, shall, for every
such offence, forfeit treble the value of every such sum or sums
of money so lent, whereof one fifth part shall be to the inform-
er, to be recovered in any of his Majesty's courts of record at
Westminster, by action of debt, bill, plaint or information, where-
in no protection, wager of law, essoin, privilege of parliament,
or other privilege, shall be allowed, nor any more than one im-
parlance, and the residue to be disposed of towards publick uses
as shall be directed by parliament, and not otherwise.

C A P. XIX.

*An act for making perpetual so much of an act made in the
tenth year of the reign of Queen Anne, for the reviving
and continuing several acts therein mentioned, as relates to
the building and repairing county gaols; and also an act of
the eleventh and twelfth years of the reign of King William
the Third, for the more effectual suppression of piracy; and
for making more effectual the act of the thirteenth year of
the reign of King Charles the Second, intituled, An act
for establishing articles and orders for the regulating and
better government of his Majesty's ships of war and
forces by sea.*

10 Ann. c. 14.
sect. 2.

WHEREAS in an act made in the tenth year of the
reign of Queen Anne, intituled, An act for the reviving
and

and continuing several acts therein mentioned, for the preventing of mischiefs which may happen by fire; for building and repairing county gaols; for exempting of apothecaries from serving parish and ward offices, and serving upon juries; and relating to the returning of jurors, *there is a clause relating to the building and repairing county gaols, which by experience has been found very useful and beneficial to the publick, and will expire at the end of this present session of parliament*: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of the said act made in the tenth year of the reign of Queen *Anne*, as relates to the building and repairing county gaols, shall be and is hereby made perpetual.

II. *And whereas vagrants and other criminals, offenders and persons charged with small offences, are for such offences, or for want of sureties, to be committed to the county gaol, it being adjudged, that by law the justices of the peace cannot commit them to any other prison for safe custody, which by experience hath been found to be very prejudicial and expensive*: be it enacted by the authority aforesaid, That it shall and may be lawful to and for the justices of the peace within their respective jurisdictions, to commit such vagrants and other criminals, offenders, person and persons, either to the common gaol or house of correction, as they in their judgment shall think proper; any law, custom or usage to the contrary notwithstanding.

III. And be it further enacted by the authority aforesaid, That the act made in the eleventh and twelfth years of the reign of his late majesty King *William* the Third, intituled, *An act for the more effectual suppression of piracy*, shall be and is hereby made perpetual.

Persons in the sea service, who shall commit any of the crimes mentioned in 13 Car. 2. stat. 1. c. 9. upon the shore in foreign parts, shall be tried and punished, as if they had been committed on the main sea. Rep. 22 Geo. 2. c. 33.

CAP. XX.

An act for continuing the acts formerly made for repairing the highways in the county of Hertford therein mentioned, and for making the said acts more effectual.

After Nov. 4, 1722, the tolls by the act 15 Car. 2. c. 1. to be taken at Wadesmill, shall be continued, in manner as by the recited acts, for 15 years; and the money to be applied to repair the highways in the county of Hertford. But on an adjudication at the assizes or sessions that the ways are in good repair, the toll shall cease. The officers, &c. impowered by the former acts, shall from Nov. 2, 1722, have the like powers by virtue of this act: and all clauses, &c. shall be continued.

C A P. XXI.

An act for preventing frauds and abuses in the publick revenues of excise, customs, stamp-duties, post-office, and house-money.

WHEREAS several persons in carrying or managing their respective trades, manufactures or dealings do frequently contrive and commit great frauds, deceits and abuses, which daily increase, and apparently tend not only to the diminution of his Majesty's revenues and publick incomes, but also to the discouragement of all fair traders, manufacturers and dealers, and the discredit of goods of the growth, product and manufacture of Great Britain in foreign parts, and particularly many persons in several parts of this kingdom of Great Britain, who make malt in order to export the same to parts beyond the seas (to the intent that they may obtain greater drawbacks and allowances upon the exportation thereof than were intended by law to be granted for the same) do in the making of such malt increase the quantity thereof in bulk and measure much beyond what the same malt was when gauged and charged with the duties chargeable thereon by the officers for the said duties on malt, when such malt was in the cistern or uting vat, or upon the couch, by watering or wetting the said malt, whilst the same is working upon the floor; and by those and other undue practices causing the said malt not only to run out and grow at that end of the grain from which the root proceeds, but also to sprout, run out and grow at the other end of the grain from which the blade proceeds, which last mentioned sprouting, running out and growing at the end from which the blade proceeds, is commonly called and known by the name of *acrespiring*, and is not only a great prejudice to the malt so made, but increases the same much in bulk and measure, to the great disparagement of the trade of British malt in parts beyond the seas, and lessening of his Majesty's revenues: for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by authority of the same, That from and after the four and twentieth day of *June* one thousand seven hundred and twenty no malster or maker of malt for sale or exportation shall cause or permit any barley, or other corn or grain by him, her or them making into malt, to be steeped, wetted or watered upon the couch or floor, or in any other place but in his, her and their respective cisterns or uting vats, duly entred for that purpose at the office of excise of the division or place where such malt shall be wetted, on pain of forfeiting for every bushel of malt which shall be found to have been steeped, wetted or watered contrary to the true intent and meaning of this act, the sum of two shillings and six pence,
R E P.

This and the following section repealed by 3 Geo. 2. c. 7. sect. 13.

After 24 June 1720. No malster to wet his barley on the floor, &c. but in his cistern duly entred, on forfeiture of 2s. 6d. per bushel.

No malster to permit his corn to be *acrespired*.

II. And be it further enacted by the authority aforesaid, That from and after the said four and twentieth day of *June* one thousand seven hundred and twenty no such malster or maker of malt for sale or exportation shall cause or permit any corn or grain, by him, her or them making into malt, to be worked or
made

made in such manner that the same shall arespire (that is to say) run out, grow or sprout at that end of the corn or grain from which the blade proceeds: and in case any such malster or maker of malt shall make or work his corn or grain making into malt in such manner that the respective supervisors or officers for the said duties of the division or place, or any of them, where such corn or grain shall be making or working, shall suspect the same, or some part thereof, to be arespired, as aforesaid, then and in such case it may be lawful for such supervisor or supervisors, officer or officers, or any of them, to take out of any particular part of the floor of such wetting of corn or grain so making into malt, as he or they shall so suspect to be arespired, so much thereof as he or they can conveniently take up with one hand at one time, and to examine the same to see if it be arespired, as aforesaid, or not; and in case upon examination thereof it shall appear that more than one part in fifteen of such corn or grain, so taken up by the hand, is arespired, as aforesaid, the intire wetting of malt, whereof such corn or grain so taken up by the hand was part, shall be deemed, taken and charged as arespired malt, and the malster or maker thereof shall be charged with the full duty of six pence *per* bushel for every bushel of malt of that wetting, and shall not have any allowance out of the same, for or in respect of its being charged upon the floor, or elsewhere; and shall also forfeit and lose for every bushel of the said malt, the further sum of five shillings; any act or acts of parliament to the contrary thereof in any wise notwithstanding. *R E P.*

Officers may take an handful out of the floor to see if it be arespired.

Penalty on malster.

III. Provided always, and be it further enacted by the authority aforesaid, That the respective supervisor or supervisors, officer or officers, who shall discover such arespired corn or grain making into malt, as aforesaid, shall within the space of eight and forty hours next after the respective time or times when the same shall be discovered, give or leave notice thereof in writing with or for the respective malsters or makers of such malt, or with some or one of his, her or their respective servants, on pain of forfeiting the sum of forty shillings for every neglect of such notice.

Officers discovering, to give notice thereof to malsters.

IV. And be it further enacted by the authority aforesaid, That if any unmalted oats or barley shall be found mixt with or amongst malt shipping or shipped for exportation, that then and in every such case, the person or persons who shall ship or cause or procure to be shipped such malt so mixed shall, for every bushel thereof, forfeit and lose the sum of five shillings.

Forfeiture for mixing unmalted oats or barley with malt for exportation, 5s. per bushel.

V. And for preventing of frauds in the shipping of malt for exportation to parts beyond the seas, and afterwards relanding the same: be it further enacted by the authority aforesaid, That from and after the said four and twentieth day of *June* one thousand seven hundred and twenty, it shall and may be lawful to and for the commissioners of his Majesty's revenues of excise for the time being, or the major part of them respectively, from time to time, to constitute and appoint one or more officer or officers in such of the ports of this kingdom where any malt may, is or shall

An officer to be appointed at the ports for measuring malt, and to see it cleared.

shall be shipped in order to be exported to parts beyond the seas, with intent to obtain a drawback or bounty, not only to see and attend the measuring of all malt which shall be shipped or laid on board any ship or vessel for exportation to parts beyond the seas, in such port or ports respectively, but also to continue on board such ships or vessels on which such malt shall be laden or shipped, until the same shall be respectively cleared their respective ports, in order to prevent the relanding thereof.

Exporter to give 48 hours notice before shipping malt, on forfeiture of 5s. per bushel.

VI. And be it further enacted by the authority aforesaid, That every person and persons who, from and after the four and twentieth day of *June* aforesaid, shall intend to ship any malt for exportation shall, by the space of eight and forty hours at least, before the beginning to ship or put on board any ship or vessel any malt for exportation, give or send to such officer or officers, as aforesaid, of the port or place where such malt shall be intended to be shipped or put on board, notice in writing of the particular day, and of the precise hour of such day when such shipping or putting on board of such malt is or shall be intended to be begun, on pain to forfeit and lose the sum of five shillings for every bushel of malt which shall be so shipped or put on board for exportation, without such notice so given or sent, as aforesaid.

Obstructing officer, forfeits 10l.

VII. And be it further enacted by the authority aforesaid, That if from and after the four and twentieth day of *June* aforesaid, any person or persons whatsoever shall oppose, molest, hinder or obstruct any officer or officers of excise in the due execution of the powers or authorities given or granted to such officer or officers, by this or any other act or acts relating to the duties of excise, every such person or persons so doing shall forfeit and lose for every such offence the sum of ten pounds.

Corn forced together in the cistern to prevent rising, forfeits 2s. 6d. per bushel.

VIII. *And for the more effectual preventing the forcing together of corn, steeping or steeped in order to the making thereof into malt, whereby the rising and swelling of such corn being prevented and hindered, his Majesty is thereby very much defrauded of and in his duty upon malt:* be it further enacted and declared by the authority aforesaid, That if from and after the four and twentieth day of *June* aforesaid, any corn in any cistern or uting vat, steeping or steeped in order to the making thereof into malt, by any malster or maker of malt, (other than compounders for the duty on malt) is or shall be found so hard, close and compact, as it could not be, unless the same had by some means or other been forced together to prevent the rising and swelling thereof, every malster and maker of malt (other than compounders for the duty on malt) where the same shall be so found shall, in every such case, forfeit and lose the sum of two shillings and six pence per bushel for every bushel of such corn, steeping or steeped, which shall be found so hard, close and compact, as aforesaid.

Penalties, how to be sued for.

IX. And be it further enacted by the authority aforesaid, That all penalties and forfeitures by this act imposed or enacted, for or on account of the duty upon malt, shall and may be sued for, levied, recovered or mitigated by such ways, means and methods,

thods, as any penalty or forfeiture is or may be sued for, levied, recovered or mitigated, by any law or laws of excise, or by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, and that one moiety of every such penalty and forfeiture shall be to his Majesty, his heirs and successors, and the other moiety to him, her or them that shall inform or sue for the same.

X. *And whereas upon appeals to the justices of the peace, assembled at their respective quarter-sessions, against original judgments duly given by particular justices of the peace, upon information duly exhibited before them for offences committed contrary to the respective acts relating to the respective duties upon malt, and to the duties upon hides and skins, and pieces of skins and hides, tanned, tawed and dressed, and upon vellum and parchment made in Great Britain, several such original judgments have at such quarter-sessions been reversed upon nice and critical exceptions or objections to the form or forms of such proceedings, without proceeding at such quarter-sessions to re-examine and re-hear the truth and merits of the fact or facts in question between the parties to such information and informations, to the great obstruction of justice in such cases: for remedy whereof, be it enacted and declared by the authority aforesaid, That the intent and meaning of such appeal and appeals was and is, That upon such appeal and appeals in every and each respective case, the justices assembled at such quarter-sessions respectively, shall and do proceed to re-hear, re-examine, and re-consider the truth and merits of the fact and facts in question between the parties to such original judgment and judgments respectively, and to re-examine the witnesses thereto upon oath, and that thereupon the said justices so assembled shall and do finally determine of and concerning the truth and merits of the fact and facts in question between the parties to such judgment and judgments respectively; and if at such quarter-sessions any defect or defects of form shall be found in such proceedings before the particular justices who gave such original judgment or judgments, That then in and every such case, such defect or defects of form shall and may be rectified and amended by the order or orders of such justices so assembled at such quarter-sessions; any thing herein, or in any other act or acts contained to the contrary in any wise notwithstanding.*

On appeals to the quarter-sessions, justices to re-hear upon the merits,

and to rectify defects of form in particular justices.

XI. *And whereas his Majesty's revenues both of customs and excise are much lessened by the clandestine importation of brandy, arrack, rum, spirits, and strong waters into this kingdom of Great Britain, from parts beyond the seas, without payment of any of the duties by law chargeable on the same, and the fair dealers in the said commodities much prejudiced in their trade therein: for remedy whereof, be it enacted by the authority aforesaid, That on or before the first day of August one thousand seven hundred and twenty, all distillers, makers or sellers of or dealers in brandy, arrack, rum, strong waters or spirits, either *British* or foreign, either by wholesale or retail, shall make true and particular entry in writing of all ware-houses, store-houses, rooms, shops, cellars, vaults, and other places, by him, her or them respectively made use of for*

All distillers, &c. to enter their ware-houses, &c. for keeping brandy, &c. at the next excise-office, by 1 Aug. 1720. on forfeiture of 20l. &c.

the

the keeping of brandy, arrack, rum, spirits or strong waters, either *British* or foreign, for sale, at the office of excise, within the compass or limits whereof such respective ware-houses, store-houses, rooms, shops, cellars, vaults, and other places, shall be situated, and also of all brandy, arrack, rum, spirits and strong waters, *British* and foreign, which at the time of making of such respective entries, shall be in such ware-houses, store-houses, rooms, shops, cellars, vaults, and other places, and every of them respectively, on pain of forfeiting the sum of twenty pounds for every such ware-house, store-house, room, shop, cellar, vault, or other place, which, from and after the said first day of *August* one thousand seven hundred and twenty, shall be so made use of by any such distiller, maker, seller or dealer respectively, without making such entry thereof, as aforesaid, together with the brandy, arrack, rum, spirits and strong waters, which shall be found therein, and also the casks and vessels whatsoever containing the same.

XII. And be it further enacted by the authority aforesaid, That all and every other person or persons, who after the said first day of *August* one thousand seven hundred and twenty shall become distillers, makers or sellers of, or dealers in any such brandy, arrack, rum, spirits or strong waters, shall, before he, she or they take any such brandy, arrack, rum, spirits or strong waters, into his, her or their custody or possession, make the like particular entry in writing of the several and respective ware-houses, store-houses, rooms, shops, cellars, vaults, and other places, intended by him, her or them respectively to be made use of for the keeping of brandy, arrack, rum, spirits or strong waters, either *British* or foreign, on pain of forfeiting the sum of twenty pounds for every such ware-house, store-house, room, shop, cellar, vault, or other place, so to be made use of by such last mentioned distiller, maker, seller or dealer respectively, without making such entry, as aforesaid, together with the brandy, arrack, rum, spirits and strong waters, which shall be found therein, and also the casks and vessels whatsoever containing the same.

XIII. And be it further enacted by the authority aforesaid, That from and after the said first day of *August* one thousand seven hundred and twenty no brandy, arrack, rum, spirits or strong waters, either *British* or foreign, shall be brought into such ware-house, store-house, room, shop, cellar, vault or other place made use of by any distiller, maker or seller of or dealer in brandy, arrack, rum, strong waters or spirits, without first giving notice thereof to the officer of excise of the division or place in which such ware-house, store-house, room, shop, cellar, vault, or other place in which such brandy, arrack, rum, spirits or strong waters are intended to be lodged, and producing to the said officer, and leaving with him an authentick certificate, that the duties charged or chargeable upon all the said brandy, arrack, rum, spirits or strong waters so intended to be brought in as aforesaid, have been actually paid, or that the same hath been

con-

After 1 Aug.
1720. all others
who shall be-
come distillers,
&c. to make
like entry.

No brandy to
be brought in-
to such ware-
houses, &c.
without no-
tice, &c. on
forfeiture, &c.

condemned as forfeited, or was part of the stock of some importer, distiller, maker or seller of or dealer in brandy, arrack, rum, spirits or strong waters, of which an account has been taken pursuant to this act, and expressing the quantity and quality thereof, and at what port or place the said duties were so paid, or the brandy, arrack, rum, spirits or strong waters condemned as aforesaid, or of whose stock the same was part, on pain of forfeiting the brandy, arrack, rum, spirits and strong waters so brought in without such notice or certificate as aforesaid, together with the casks and vessels whatsoever containing the same.

XIV. And be it further enacted by the authority aforesaid, That from and after the said first day of *August* one thousand seven hundred and twenty, it shall and may be lawful for the officers of his Majesty's revenues of excise, or any of them, from time to time and at all times, by day and by night (and if in the night-time, in the presence of a constable or other officer of the peace) to enter into all and every the said ware-houses, store-houses, rooms, shops, cellars, vaults or other places made use of by any distillers, makers or sellers of or dealers in brandy, arrack, rum, spirits or strong waters for keeping the same, and by tasting guaging or otherwise to take an account of the quantity and quality of all such of the said liquors, as shall at any time be in their or any of their custody; and if any such distiller, maker or seller of or dealer in brandy, arrack, rum, spirits or strong waters shall hinder or refuse the said officer or officers to enter into his, her or their said ware-houses, store-houses, rooms, shops, cellars, vaults and other places, or any of them, to take such account as aforesaid, or shall let, hinder or obstruct the said officer or officers in the execution of any of the powers and authorities by this act given to him or them, the person or persons offending therein shall for every such offence forfeit and lose the sum of fifty pounds.

Officers may enter ware-houses, &c. by day or night, to take an account of the brandy, &c.

Obstructing officers, forfeits 50l.

XV. And be it further enacted by the authority aforesaid, That from and after the said first day of *August* one thousand seven hundred and twenty no brandy, arrack, rum, spirits or strong waters, either *British* or foreign, shall be sold, uttered or exposed to sale, either by wholesale or retail, but when the same shall be in some or one of the said ware-houses, store-houses, rooms, shops, cellars, vaults or other places so entred as aforesaid, upon pain of forfeiting the sum of forty shillings for every gallon of brandy, arrack, rum, spirits or strong waters as shall be so sold, uttered or exposed to sale in any other place or places than those entred as aforesaid, and in that proportion for any greater or lesser quantity.

No brandy, &c. to be sold but in such ware-houses on forfeiture of 40s. a gallon. Further provisions relating hereto: Geo. 1. c. 30. sect. 2.

XVI. And be it further enacted by the authority aforesaid, That from and after the said first day of *August* one thousand seven hundred and twenty, where any such brandy, arrack, rum, spirits or strong waters as aforesaid shall afterwards be sold in the said entred places, or any of them, in great or small quantities, the officer or officers of excise of the respective divisions or places where the same shall be so sold, shall be obliged, and are here-

Officer to give the seller certificates of the quantity of brandy sold, &c. and that the duty has been paid, &c.

hereby required from time to time, upon the request of the seller or sellers thereof (without fee or reward) to give to the respective buyers thereof certificates in writing signed by the said respective officer or officers, expressing the quantities so sold, and the name and names of the respective buyers and sellers thereof, and that the duty of such brandy, arrack, rum, spirits and strong waters so sold has been paid, or that the same hath been condemned as forfeited, or was part of such stock as aforesaid, to satisfy the officer or officers of the excise of the respective divisions to which the same is intended to be carried, that the duty thereof has been paid, or that the same has been so condemned, or was part of such stock, that the seizing thereof may thereby be prevented.

XVII. And be it further enacted by the authority aforesaid, That from and after the said first day of *August* one thousand seven hundred and twenty no brandy, arrack, rum, spirits or strong waters, exceeding the quantity of one gallon, shall be removed or carried from any part of this kingdom to another, by land or by water, without such permit or certificate from some or one of the officers of his Majesty's customs or excise, signifying and certifying the quality and quantity thereof, and that his Majesty's duties chargeable thereon have been duly paid and satisfied, or that the same had been condemned, or was part of such stock as aforesaid, on pain of forfeiting the brandy, arrack, rum, spirits and strong waters which shall be found carrying from one place to another without such permit or certificate, together with the casks and vessels whatsoever containing the same.

XVIII. And be it further enacted by the authority aforesaid, That from and after the said first day of *August* one thousand seven hundred and twenty, all and every person or persons whatsoever, who shall have in his, her or their custody any brandy, arrack, rum, spirits or strong waters, exceeding the quantity of sixty three gallons, shall be deemed and taken to be a seller of and dealer in brandy, arrack, rum, spirits and strong waters, and subject to the survey of his Majesty's officers of excise.

XIX. And be it further enacted by the authority aforesaid, That the penalties and forfeitures by this act given for or on account of any brandy, arrack, rum, spirits, strong waters or sweets herein after-mentioned shall and may be sued for, recovered and levied or mitigated by the same ways, means and methods, as any penalty or forfeiture given by any of the laws of excise can or may be sued for, recovered and levied or mitigated; and that one moiety of every such penalty or forfeiture (the reasonable charges of suing for, recovering and levying thereof being first deducted) shall be to his Majesty, his heirs and successors, and the other moiety to him or them that shall seize, inform or sue for the same.

XX. *And whereas the clandestine importation of brandy, arrack, rum, spirits or strong waters from parts beyond the seas into this kingdom of Great Britain, is of late become more frequent than formerly; and his Majesty's officers who ought and do frequently seize such*

No brandy, &c. exceeding a gallon, to be removed without a permit.

Who shall be deemed sellers of brandy.

Penalties how to be sued for, &c.

such liquors so clandestinely imported, are under great discouragements in the performance of their duty therein, in the trouble and expence they are forced to be at in procuring the same to be condemned in his Majesty's court of exchequer, or other of his Majesty's courts: for remedy whereof, it is hereby provided, enacted and declared by the authority aforesaid, That from and after the said first day of August one thousand seven hundred and twenty, where any brandy, arrack, rum, spirits or strong waters, British or foreign, shall be seized as forfeited by virtue or in pursuance of this present act, or of any other act or acts of parliament relating to his Majesty's revenues of customs and excise, or either of them, by any of his Majesty's officers of the said revenues, or either of them, all such seizures (except in every case where the seizure shall be made for unlawful importation, and the whole quantity of the brandy, arrack, rum, spirits or strong waters, at any one time for that cause seized, doth exceed sixty three gallons) shall and may, in a summary way, be proceeded upon, heard, examined into and determined in the manner herein after-mentioned; that is to say, in case such seizures (except before excepted) shall happen to be made in any place or places within the immediate limits of the chief excise-office in London, the same shall and may, in a summary way, be proceeded upon, heard, examined into and determined by the commissioners of excise for the time being, or the major part of them; and in case such seizure (except before excepted) shall happen to be made in any place or places out of the said immediate limits of the said chief office of excise in London, then and in such case the same shall and may, in a summary way, be proceeded upon and examined into, heard, adjudged and determined by and before any two or more of his Majesty's justices of the peace residing near to the place where such seizure or seizures shall be made; which said commissioners and justices of the peace respectively, within their respective jurisdictions, shall be and are hereby authorized and empowered to cause the respective person or persons, in whose custody such brandy, arrack, rum, spirits or strong waters so to be seized as aforesaid were found at the time of the seizure thereof, to be summoned to appear before them at a certain time and place to be prefixed by the said commissioners of excise and justices of the peace respectively, who are hereby fully authorized, empowered and required, upon the appearance or default of such person or persons, so to be summoned, to examine into the cause of such seizure or seizures, and thereupon to proceed to give judgment for the condemnation of such brandy, arrack, rum, spirits or strong waters so seized (except before excepted) as upon due examination shall be found to be forfeited by virtue of this act, or any other act or acts of parliament relating to his Majesty's revenues of customs or excise, together with the casks and other vessels whatsoever containing the same, and to issue out their warrants for the sale of such brandy, arrack, rum, spirits or strong waters, as shall be so by them respectively condemned, and of the casks and other vessels whatsoever containing the same; and

After 1 Aug. 1720, how brandy seized shall be sued for and condemned.

Further provisions relating hereto, 2 Geo. 1. c. 18. sect. 17.

and such their respective judgments shall be and are hereby declared to be taken and adjudged to be good, valid and effectual in the law, and final to all intents and purposes whatsoever, and not liable to any appeal, or to be removed by any writ or writs of *Certiorari*; any law, statute or provision to the contrary thereof in any wise notwithstanding.

When brandy, &c. is seized, no claim made thereof in 20 days, how to proceed to judgment and condemnation.

XXI. Provided always, and it is hereby further enacted by the authority aforesaid, That in all cases where any such brandy, arrack, rum, spirits or strong waters as aforesaid, (except before excepted) shall be seized as forfeited, and no person or persons, within twenty days next after such seizure, shall appear to the officer or officers who made such seizure to claim the same, then and in such case, if such seizure or seizures shall happen to be made within the immediate limits of the chief excise-office in *London*, it shall and may be lawful for the officer or officers who shall make such seizure or seizures, from and after the expiration of the said twenty days next after such respective seizure or seizures, to cause notice in writing, to be signed by his Majesty's solicitor for the revenue of excise for the time being, to be affixed at the *Royal Exchange*, signifying the day and the time of the day that the commissioners of the excise for the time being, or the major part of them, will proceed to hear the matter of such seizure or seizures, and to the condemnation of the brandy, arrack, rum, spirits or strong waters so seized as aforesaid, and of the casks and other vessels containing the same; and if such seizure or seizures of such brandy, arrack, rum, spirits or strong waters as aforesaid (except before excepted) shall happen to be made, as aforesaid, out of the immediate limits of the said chief excise-office in *London*, it shall and may be lawful for the officers who shall make such seizure or seizures, from and after the expiration of twenty days next after such respective seizure or seizures, to cause publick notice to be given by proclamation at the next market-town to the place or places where such respective seizure or seizures shall be made as aforesaid, upon the next market-day after the expiration of the said twenty days, of the day and place when and where the justices of the peace will proceed to hear the matter of such seizure or seizures, and to the condemnation of such brandies, arrack, rum, spirits or strong waters so seized as aforesaid; in which said cases it shall and may be lawful for the said commissioners of excise and justices of the peace respectively, within their respective jurisdictions, to proceed to examine into the cause of such seizure or seizures, and to give judgment for the condemnation of such brandy, arrack, rum, spirits and strong waters so seized, as upon due examination shall appear to be forfeited, and of the casks and other vessels containing the same; which judgments shall be good, valid and effectual in the law, and final to all intents and purposes whatsoever, as if the respective owner or owners of the same brandy, arrack, rum, spirits or other strong waters, or the respective person or persons in whose custody the same was at the respective time or times of the seizure or seizures thereof, had

had been respectively summoned to attend the said commissioners of excise and justices of the peace respectively, in the manner herein before prescribed, and shall not be liable to any appeal, or to be removed by *Certiorari*; any thing in this present act contained, or any law, statute or provision to the contrary thereof in any wise notwithstanding. No *Certiorari*.

XXII. *And whereas makers of sweets for sale, when they have occasion to send or deliver sweets to vintners and other their customers, do, from time to time draw and take the same from their stock-casks of sweets, containing greater quantities than the quantities so sent or delivered, and having so done, do immediately make quantities of new sweets equal and answerable to such quantities so sent or delivered, and do then put in or mix such new sweets to and with the remaining part and parts of such their stock and stocks of old sweets; all which being frequently done and performed without the least privity or knowledge of the officers of excise, who should make charges of the duties for and in respect of such new sweets so made as aforesaid, they the said officers of excise, for want of discovery and due notice thereof, neither do or can make such charges, whereby his Majesty is very much defrauded of and in his duties upon sweets: for remedy whereof, be it further enacted by the authority aforesaid, That if from and after the first day of August one thousand seven hundred and twenty any sweets made in Great Britain for sale, for which the duties shall or have been duly paid, or have been duly charged by the proper officer or officers of excise, are or shall be intended to be sent or removed from one place to another, the officer of excise of the place from whence such sweets are so to be sent or removed shall, upon request, and without fee or reward, give certificates under his hand, expressing therein the quantity and qualities of such sweets so to be sent or removed, and the name and names of the person and persons from whom and to whom such sweets are so to be sent; and if from and after the said first day of August one thousand seven hundred and twenty any maker or makers of sweets for sale shall send or remove, or shall cause to be sent or removed, any such sweets from one place to another, or if any vintner or vintners shall receive or take into his, her or their custody or possession any such sweets without such certificate or certificates, that then and in every such case, as well every such maker and makers of sweets for sale, as also every such vintner and vintners, shall respectively forfeit and lose the sum of ten shillings for every gallon of sweets which shall be met with or found so sending or removing, or sent or removed, or which shall be so received or taken in; and also that all such sweets, which from and after the said first day of August one thousand seven hundred and twenty shall be found or met with sending, carrying or removing, or so sent, carried or removed from one place to another, without such certificate or certificates as aforesaid, and the casks and vessels containing the same, shall be forfeited, and shall and may be seized by any officer or officers of excise; one moiety thereof to be to the use of his Majesty, his heirs, and successors, and the other moiety to be to the use of him or them that shall seize the same; and that every*

After 1 Aug. 1720; sweets that have paid the duties not to be removed without certificate, &c.

Makers of sweets sending out, or vintners receiving sweets without certificate, forfeit 10 s. per gallon, and the sweets and casks.

Seizures and forfeitures, seizure

how to be
proceeded
upon.

*Explained in
relation to ap-
peals by*

1 Geo. 2.
stat. 2. c. 16.
sect. 3.

No Certiorari.

All informa-
tions and pro-
ceedings re-
lating to the
excise may be
entred and in-
rolled in the
English
tongue.

In trials relat-
ing to excise
or customs,
&c. if ques-
tions arise
concerning
the keeping of
any office, or
any one's be-
ing an officer,
what proof is
requisite.

Enforced by
11 Geo. 1. c. 30.
sect. 32.

seizure and seizures of such sweets, and of the casks and vessels containing the same, which shall or may be made by virtue or in pursuance of this act, and also every other forfeiture and forfeitures, which from and after the said first day of *August* one thousand seven hundred and twenty shall or may be made by virtue or in pursuance of any act or acts whatsoever relating to the duties of excise, or to any other duty or duties under the management of the commissioners of excise, shall and may be proceeded upon, heard, examined into, adjudged and determined by the same ways and means, and in the same manner and form, as is and are herein and hereby prescribed, directed or appointed to be done upon seizures of brandy, arrack, rum, spirits or strong waters, not exceeding as aforesaid; and that such proceedings thereon shall not be liable to any appeal or appeals, or to be removed by *Certiorari*; any thing in this present act contained, or any law, statute or provision to the contrary thereof in any wise notwithstanding.

XXIII. And be it further enacted and declared by the authority aforesaid, That all information and informations, complaint and complaints, and other proceedings whatsoever, as well before such commissioners of excise as aforesaid, as also before justices of the peace respectively, by virtue or in pursuance of this or any other act or acts whatsoever relating to the duties of excise, or to any other duty or duties whatsoever under the management of the commissioners of excise, are and were intended to be, and shall and may be entred and inrolled in the *English* tongue; any law, statute or provision whatsoever to the contrary thereof in any wise notwithstanding.

XXIV. And be it further enacted by the authority aforesaid, That from and after the said first day of *August* one thousand seven hundred and twenty, if upon trial or trials of or in any information, action, suit or prosecution whatsoever relating to his Majesty's duties of customs and excise, or to either of them, or to any other his duties whatsoever, or to any seizure or seizures, penalty or penalties, forfeiture or forfeitures, relating to the said duties, or any of them, or if upon any trial or trials of or in any action, suit or prosecution whatsoever against any person or persons, for any thing done by virtue or in pursuance of any act or acts of parliament relating to the said duties, any or either of them, any question or questions shall be made, or any doubt or doubts, dispute or disputes, shall arise or happen, touching or concerning the keeping of any office or offices of excise in any city or cities, town or towns, or touching or concerning any one or more defendants being an officer or officers of or for the said duties, any or either of them, that in every such case and cases proof shall and may be made, or evidence given, either of the actual keeping of such office or offices of excise in such city or cities, town or towns, or of such one or more defendants actually exercising of and being employed and intrusted in such office or offices respectively, before and at the respective time and times when the matter or matters in question upon such trial or trials shall happen to have been done or committed, or omitted, or neglected

to have been done or performed, without producing any particular person or persons to prove the names of the particular and respective commissioners to any commissions in the respective cases before-mentioned, any or either of them, to be of their own hand-writing; and that in every such case and cases respectively such proof and evidence shall be deemed and taken to be legal and sufficient evidence, unless or until by other evidence the contrary shall or do appear.

XXV. And for the better securing the duties upon hops, be it further enacted by the authority aforesaid, That from and after the said first day of *August* one thousand seven hundred and twenty, the respective planters or owners of hops to grow in *Great Britain*, before they respectively shall or do begin to bag or to weigh his, her or their hops, or any part or parts thereof, shall respectively give or send notice in writing under his, her or their hands to the next officer of excise, or to the proper officer for the said duty, of the particular day, and of the precise hour of such day, as well of his, her or their beginning to bag, as also of his, her or their beginning to weigh such their respective hops, and every part and parts thereof, which notice, as well as to such bagging, as also to such weighing of such hops, as shall be either bagged or weighed in the first week of each respective planters or owners bagging and weighing, or either of them, shall be given or sent at least twenty four hours before the particular time and times, when as well every such bagging, as also every such weighing, shall respectively begin; and such notice as aforesaid, as well as to every other bagging, as also as to every other weighing, of such hops as shall not be bagged and weighed in such first week, shall likewise be given or left by the space of at least forty eight hours, as well before every such other bagging, as also before every such other weighing shall respectively begin; and if after such notice given, he, she or they shall not proceed to bag and weigh, or to bag or weigh according to each respective notice, that then and in every such case he, she or they, before he, she or they shall at any other time or times begin to bag and weigh, or to bag or weigh his, her or their hops, or any part or parts thereof, shall give or send the like notice, as aforesaid; that is to say, twenty four hours notice of such bagging and weighing, or either of them, in such first week, and forty eight hours notice, as well of every such other bagging, as also of every such other weighing, or either of them respectively, under the pain of forfeiting and losing the sum of fifty pounds for every neglect and default of every such notice or notices, as aforesaid, in either of the respective cases before-mentioned.

Planters of hops to give notice of the precise time of bagging and weighing hops.

24 hours notice to be given of bagging or weighing in the first week, and 48 hours for every other bagging, on pain of 50 l.

XXVI. And be it further enacted by the authority aforesaid, That from and after the said first day of *August* one thousand seven hundred and twenty, the respective planters and owners of hops to grow in *Great Britain*, shall respectively provide and keep at his, her and their respective ousts, store-houses, and places of keeping his, her or their hops, sufficient and just scales and weights for the weighing his, her or their hops; and shall permit

Planters of hops to keep just weights and scales, &c. on penalty of 20 l.

mit the officers to make use thereof for the weighing of such hops, and shall not in the weighing of his, her or their hops, make use of, or cause, procure, or suffer to be used any false weight or weights, under the penalty of forfeiting and losing the sum of twenty pounds, for not having and keeping sufficient and just scales and weights, or for not permitting the officer in such weighing, or for using, causing, procuring or suffering to be used in such weighing his, her or their hops, any false weight or weights.

Hops may be put into casks.

XXVII. *And whereas for the better preservation of hops, it is thought convenient for the owners or planters thereof to be at liberty to put the same into casks instead of bags: be it therefore provided and enacted by the authority aforesaid, That from and after the first day of August one thousand seven hundred and twenty, it shall and may be lawful to and for such owners or planters of hops, if they shall think fit, to put the said hops into casks, such owner or owners, planter or planters first giving the like notice of the time that he, she or they intend to weigh, and put the said hops into casks, as he, she or they are by law required to give of the bagging of hops respectively; and in case any owner or owners, planter or planters, shall put any hops into casks without such notice, then he, she or they shall be liable to the like penalties, as such owner or owners, planter or planters would have been liable unto, in case such hops so put into casks, had been bagged without such notice.*

Officers of excise to attend the putting hops into casks, &c.

XXVIII. *And be it further enacted by the authority aforesaid, That the officers of excise, and others appointed by the commissioners of that revenue, shall in like manner attend and be present at the putting hops into casks or barrels, as he is by law required to be at the bagging of hops; and shall cause every cask or barrel, into which hops shall be put, to be weighed, and the weight of each cask to be plainly and distinctly marked on such cask respectively; and shall likewise cause the weight of the hops contained in such cask to be plainly and distinctly marked on each cask respectively; and shall cause an entry of the weight of such hops to be made in his book (the weight of such cask or barrel being abated) and shall make the like report to the commissioners of that revenue, and leave a like copy with the owner or planter of such hops, and under the like penalties and forfeitures, as in case such hops had been put into bags; and the owner or owners, planter or planters of such hops shall, within six months after the putting hops into casks or barrels, pay and clear off the duties on hops so casked or barrelled, under the like penalty as if the same had been bagged.*

3 Geo. I. c. 11.

XXIX. *And whereas by an act passed in the last session of parliament, intituled, An act against clandestine running of uncustomed goods, and for the more effectual preventing of frauds relating to the customs, any ship, vessel or boat of the burthen of fifteen tons or under, wherein any brandy, arrack, rum, strong waters, or spirits of any kind whatsoever, shall be imported or brought into Great Britain, or into any port, harbour, haven or creek thereof (except*

en'y

only for the use of the seamen then on board, not exceeding one gallon for each such seaman) such ship, vessel or boat, with all her tackle, furniture and apparel, or the value thereof, is forfeited and lost, and shall and may be seized, recovered, broke up and sold, as therein mentioned: and whereas to elude the penalty of the said law, many ill-disposed persons do now carry on a clandestine trade, by importing these goods in ships and vessels above fifteen ton: for the prevention thereof, be it enacted by the authority aforesaid, That if any foreign brandy, arrack, rum, strong waters, or spirits of any kind whatsoever, shall, from and after the first day of August one thousand seven hundred and twenty, be imported or brought into Great Britain, or into any port, harbour, haven or creek thereof, in any ship, vessel or boat, of the burthen of thirty tons or under (except only for the use of the seamen then belonging to and on board such ship, vessel or boat, not exceeding one gallon for each such seaman) every such ship, vessel or boat, with all her tackle, furniture and apparel, as also all such brandy, arrack, rum, strong waters or spirits, or the value thereof, shall be forfeited, and shall and may be seized by any officer or officers of the customs, and shall and may be prosecuted by bill, plaint or information, in any of his Majesty's courts of record at Westminster, or in the court of exchequer in Scotland, wherein no essoin, protection or wager of law shall be allowed; one moiety of which forfeiture shall be to the use of his Majesty, his heirs and successors, and the other moiety to the seizor or prosecutor; any law or custom to the contrary notwithstanding.

XXX. And be it further enacted, That after the seizure and condemnation of such ship, vessel or boat, the same shall be intirely broke up, and publickly sold to the best advantage, together with the tackle, furniture and apparel thereto belonging, and the produce thereof divided in like manner as the ships, vessels and boats, under fifteen tons, are to be broke up, sold, and the produce thereof divided by virtue of the said act of the last session of parliament.

XXXI. And whereas by the said act of the last session of parliament, a remedy was provided amongst other things to prevent the running of brandy from ships or vessels of the burthen of fifty tons or under, which lie hovering on the coast within the limits of the ports of this kingdom, and the exportation of wool: and whereas such ships or vessels, to elude the intent of that law, do lie at anchor, or hover on the coasts as near to the said limits as may be, whereby the masters of such ships or vessels have better opportunities of making their signals to the exporters of wool, and the runners of uncustomed and prohibited goods, to draw down to the sea-side (as they frequently do in great numbers of armed men) and of running the goods on shore, and carrying off the wool and coin of this kingdom in their boats, which make more frequent trips to and from the shore than they could do, if such ships or vessels were obliged to lie at a greater distance from the shore: be it therefore enacted by the authority aforesaid, That from and after the said first day of August one thousand seven hundred and twenty, where any ship or vessel of the burthen of fifty tons or un-

After 1 Aug. no brandy, &c. to be imported in any ship less than 30 tons. Farther provided for by 8 Geo. 1. c. 18. sect. 1.

Penalty.

After seizure and condemnation, ship to be broke up and sold, &c. Such ship, &c. may be used, 12 Geo. 1. c. 21. sect. 14.

5 Geo. 1. c. 11.

Ships under 50 tons hovering within

two leagues of
the shore,

Commanders
of men of war,
&c. or officers
of the cu-
stoms, may
compel master
to come into
port, &c.

Master, &c.
suffering
brandy or un-
customed
goods, to be
put out of his
ship, or wool,
&c. to be tak-
en in from the
shore, besides
former penal-
ties, shall
suffer six
months im-
prisonment.

The rule to
measure the
contents of
the tonnage of
such ships.

Eight or more
hindring, -
wounding, &c.

der, being in part or fully laden with brandy, shall be found at anchor or hovering within two leagues from the shore, and not proceeding on her voyage, wind and weather permitting, it shall and may be lawful to and for the commander of any of his Majesty's ships of war, frigots or armed sloops, appointed for the guard of the coasts, or to and for the commander of any yatch, smack, sloop, or other boat or vessel in the service of his Majesty's customs, or to and for any officer of his Majesty's customs, to compel the master or other person having the charge of such ship or vessel, to come into port; and it is hereby declared, That such master or other person, as aforesaid, as likewise such ship or vessel, and the brandy wherewith such ship or vessel is laden, in part or in the whole, shall be subject to the same rules, regulations, penalties and forfeitures, as such cargoes, ships and vessels, and the masters or others taking charge thereof, which hover within the limits of any port of this kingdom, are by the said act subject unto; any thing therein, or in any other act to the contrary hereof in any wise notwithstanding.

XXXII. *And forasmuch as such illegal importations and exportations cannot be carried on by such ships or vessels, if the masters or commanders thereof do take due care to prevent the same:* be it further enacted by the authority aforesaid, That from and after the said first day of *August* one thousand seven hundred and twenty, if the master, purter, or other person taking charge of such ship or vessel, shall suffer any brandy, or other uncustomed or prohibited goods, to be put out of the said ship or vessel into any hoy, lighter, boat or bottom, to be laid on land, or shall suffer any wool, wool-fells, mortlings, shortlings, yarn made of wool, wool-flocks, fullers-earth, fulling-clay, or tobacco-pipe-clay, to be laden or taken in from the shore, to be put on board such ship or vessel, to be carried to parts beyond the seas, he or they so offending, being convicted thereof, shall, besides the penalties and forfeitures to which they will be liable by any law now in being, suffer six months imprisonment without bail or main-prize.

XXXIII. And for the preventing disputes that may arise concerning the admeasurement of ships laden with brandy and other spirits, as aforesaid, or ships hovering on the coast be it further enacted by the authority aforesaid, That the following rule shall be observed therein, that is to say, Take the length of the keel within board, (so much as she treads on the ground) and the breadth within board by the midship-beam, from plank to plank, and half the breadth for the depth, then multiply the length by the breadth, and that product by the depth, and divide the whole by ninety four, the quotient will give the true contents of the tonnage, according to which rule, the tonnage of all such ships and vessels shall be measured and ascertained; any law, custom or usage to the contrary in any wise notwithstanding.

XXXIV. *And whereas the punishment already inflicted by law on such who shall forcibly hinder officers of the customs in the due perform-*

ance

mance of their duty, has proved insufficient: be it therefore enacted by the authority aforesaid, That from and after the first day of *August* one thousand seven hundred and twenty, if any officer or officers of the customs be forcibly hindred, wounded, or beaten in the due execution of their office, by any persons armed with club, or any manner of weapon, tumultuously assembled in the day or night, to the number of eight or more persons, all and every person or persons so forcibly hindring, wounding or beating the said officer or officers, or such as shall act in their aid or assistance, being convicted thereof, shall, by order of the court, before whom such offender or offenders shall be convicted, be transported to some of his Majesty's colonies and plantations in *America*, for such term as the court shall think fit, not exceeding seven years, in the same manner as by an act made in the fourth year of his present Majesty's reign, intituled, *An act for the further preventing robbery, burglary, or other felonies, and for the more effectual transportation of felons and unlawful exporters of wool, and for declaring the law upon some points relating to pirates,* the offenders therein mentioned are to be transported to the said colonies and plantations.

Officers in execution of their office, to be transported.

4 Geo. I. c. 11.

XXXV. And be it enacted by the authority aforesaid, That if such offender or offenders shall return into *Great Britain or Ireland*, before the expiration of the said term, contrary to the intent and meaning hereof, he or they so returning, shall suffer as felons, and have execution awarded against them as persons attainted of felony, without benefit of clergy.

Returning into Great Britain or Ireland, felony.

XXXVI. Provided nevertheless, That if any such offender shall within two months after such his offence, and before his conviction, discover two or more of his accomplices therein to the commissioners of the customs in *England* or *Scotland* respectively, so as they, or two of them at least, be convicted of such offence, the offender so discovering shall have and receive the sum of forty pounds for every offender so discovered and convicted, as a reward for such his discovery, and shall be clearly acquitted and discharged of such his offence.

Offender, before conviction, discovering two of his accomplices within two months, to have 40 l. for each, and acquitted.

XXXVII. And be it further enacted by the authority aforesaid, That from and after the first day of *August* one thousand seven hundred and twenty, if any other person or persons shall, within three months after such offence shall have been committed, discover to the said commissioners respectively any person or persons who shall have been guilty of such offence, so as such offender or offenders be convicted thereof, such discoverer or discoverers shall have and receive the like reward of forty pounds for every such offender so discovered and convicted, over and above any other reward and recompence which he or they may be entitled unto on account of the goods so carried or conveyed away, which shall be recovered by means of such his or their discovery, or on account of the penalty which shall be recovered for the running the said goods.

Other persons discovering in three months to have 40 l. over and above any other reward.

XXXVIII. And be it further enacted by the authority aforesaid, That the commissioners of the customs in *England* and *Scotland*,

To be paid by the cashier of the customs.

land, shall cause the several rewards of forty pounds for the discovery of the offenders before-mentioned, to be paid by the respective receiver general or cashier of the customs for the time being, out of any publick money in his hands under the management of the said commissioners, upon producing to them a certificate or certificates under the hand of the judge or justice of the court before whom the cause shall be tried, certifying the conviction of the offender or offenders; and the money so paid by any receiver general, as aforesaid, shall be accepted of and allowed in his accounts, as so much paid to his Majesty, and he is and shall be hereby discharged thereof accordingly; any law, custom or usage to the contrary notwithstanding.

XXXIX. *And whereas prohibited and customable goods found by officers of his Majesty's customs in the custody of persons in boats on the water, or coming directly from the water-side, to wit, the customable goods on suspicion they were unshipped without payment of duty, and the prohibited goods for being imported contrary to law, and such goods being also found in other places, upon information that they were clandestinely run, are in like manner stoppt until the persons in whose custody the same are found, or the owners of such goods, shall apply to the commissioners of the customs, or to the collector of the port where such goods are stoppt respectively, that the said goods may be discharged in case there be no just cause to detain the same; nevertheless the owners of the goods, instead of making such application, do sue the officers for more than the value thereof, to their great charge and discouragement in the execution of their duty: and whereas there is good reason to believe, that many ill-disposed persons do put themselves purposely in the way of officers with such goods in their custody, and that others, by the directions of the owners, do falsely or deceitfully inform the officers that the goods were run, to the intent such officers should seize the same, in order to sue the officers, and thereby the owners get excessive prices for their goods, and the officers are deterred from making seizures, whereby the clandestine running of goods is greatly encouraged: be it therefore enacted by the authority aforesaid, That from and after the first day of August one thousand seven hundred and twenty, if prohibited or customable goods shall be found by any officer or officers of the customs in the custody of any person or persons, being in a bark, hoy, lighter, barge, boat or wherry on the water, or coming directly from the water-side, without the presence of an officer, or if such goods shall, upon the information of one or more credible person or persons, be found in any house, shop, cellar, ware-house, room, or other place, on a search there made in such manner as in and by an act made in the fourteenth year of the reign of the late king Charles the Second, intituled, *An act for preventing frauds, and regulating abuses in his Majesty's customs*, is mentioned and directed, it shall and may be lawful to and for such officer or officers to stop and put the said goods in his Majesty's ware-house in the port next to the place where such stop shall be made, there to remain until the claimer or claimers thereof shall make proof by oath, or otherwise, to the satisfaction of the commissioners*

Prohibited or customable goods in any boat, &c. or in any house, &c. Officer may stop and ware house the same till claimed, &c.

13 & 14 Car. 2. C. 11.

sioners for managing his Majesty's customs, if such stop shall be made within the ports of *London* or *Edinburgh* respectively, that the duties of the customable goods have been paid, or secured to be paid, or that the same had been bought in a lawful way of trade, and that he, she or they so claiming the said goods, do verily believe the duties thereof to have been paid, or secured to be paid, or that the said goods had been compounded for, or condemned in his Majesty's court of exchequer at *Westminster* or *Edinburgh*, or been otherwise delivered by writ of that court respectively, and that the prohibited goods had been compounded for, or condemned, or otherwise delivered, as aforesaid, in which case such goods shall and may be delivered without delay or charge: and if such goods shall be stopped in any other of the ports within this kingdom, the claimer or claimers thereof shall and may make the like proof to the like purpose, as aforesaid, and deliver the same to the collector, or in his absence, to one of the other principal officers of the customs in the port where such stop shall be made, which proof shall, without loss of time, be transmitted to the said commissioners respectively, for their directions touching the immediate delivery of such goods, without charge to the claimer or claimers, or for the seizing and prosecuting of the same, as the said commissioners shall see cause.

XL. Provided, such proof be made within ten days after the goods shall have been so stopped, in failure whereof the same shall and may be seized, and prosecuted in such manner as by the several and respective laws now in force against the importation of prohibited or uncustomed goods, is provided, the forfeiture of such goods after condemnation, shall be to and for such uses, and according to such proportions or shares, as are therein and thereby respectively mentioned and distributed.

XLI. And be it further enacted by the authority aforesaid, That if upon such prosecution where no application hath been made to the commissioners or officers aforesaid, and not otherwise, the property of the goods shall be claimed by any person or persons, and if any question, dispute or doubt shall arise, whether the duties thereof were paid or secured, or that the said goods had been compounded for, or condemned, or otherwise delivered by writ out of the court of exchequer, or bought in a lawful way of trade, the proof shall be incumbent on such claimer or claimers, and not on the seizer or prosecutor; and if thereupon a verdict shall pass for such claimer or claimers, or if the officer or officers shall become nonsuit, or forbear prosecution, or discontinue the same, or if upon demurrer or otherwise judgment shall be given against the officer or officers, then and in any of the said cases, the claimer or claimers shall, over and above the recovery of his, her or their goods, or the value thereof, have reasonable costs of suit, for which he, she or they shall have the like remedy as where costs by law are awarded, which said costs of suit shall be reckoned and esteemed as a full satisfaction

Proof to be in
10 days after
stopping.

Proof to lie on
the claimer.

If verdict pass
for the claim-
er, he shall
have reason-
able costs of
suit.

Enforced by
12 Geo. I. c. 28.
sect. 3.

faction for the said claimer or claimers damages occasioned by the detention and seizure of the said goods.

If the claimer make proof of his goods, or that they have received any damage, the goods to be delivered, and he may sue, &c.

XLII. And be it further enacted by the authority aforesaid, That in all cases where the claimer or claimers of such goods so stopt, as aforesaid, shall make proof either by oath before any justice of the peace, or other person impowered to administer the same, or otherwise, to the satisfaction of the commissioners for managing his Majesty's customs respectively, or officers of the customs, as aforesaid, in manner before directed and appointed, so as to induce the respective commissioners to order the delivery of the goods so stopt; and if the owner or owners, claimer or claimers of such goods, shall receive any damage by means of such stop; then and in such case the owner or owners, claimer or claimers of the said goods, shall and may receive such goods by virtue of such order, without any charge or delay; and it shall and may nevertheless be lawful to and for such owner or owners, claimer or claimers, to bring his, her or their action or actions against the officer or officers, who shall stop his, her or their goods, for such reasonable damages, which he, she or they shall or may have sustained by means of the said goods being so stopped or detained, as aforesaid; any law, custom or usage to the contrary notwithstanding.

Officers may prosecute notwithstanding the directions of the commissioners.

So may the owners.

Offences relating to the customs, where, and how to be tried.

XLIII. Provided always, and be it declared to be the true intent and meaning hereof, That if the officer or officers who shall stop such goods, or any other officer or officers of the customs, shall be desirous to seize and prosecute the same, notwithstanding any directions of the commissioners of the customs for the delivery of the said goods respectively, it shall and may be lawful to and for such officer or officers to seize and prosecute the same in such manner as by the several and respective laws of the customs now in force such goods may be seized and prosecuted, in every of which cases the officer or officers so prosecuting shall be liable, and he or they are hereby declared liable to be sued by the owner or owners of the said goods for the recovery of the same, or the value thereof, with full costs of suit; or if the said commissioners shall not order the delivery of the said goods so stopt, then and in such case; the owner and owners, claimer or claimers of such goods, shall and may nevertheless sue for the recovery of such goods, together with costs and damages, according to the usual course of law, in any of his Majesty's courts of record at *Westminster*, or in the court of *Exchequer* in *Scotland*, as he or they might have done before the passing of this act; any thing herein contained to the contrary notwithstanding.

XLIV. And be it further enacted by the authority aforesaid, That the several offences in this act mentioned, relating to the customs, or other duties upon importation or exportation, or to uncustomed or prohibited goods (except as in this act is otherwise provided) shall and may be heard, tried and determined by bill, plaint or information in any of his Majesty's courts of record at *Westminster*, or in the court of *exchequer* in *Scotland*

Scotland respectively, wherein no effoin, protection or wager of law shall be allowed.

XLV. *And whereas by an act passed in the third year of the reign* 3 & 4 Ann. c. 4. *of her late majesty Queen Anne, intituled, An act for continuing duties upon low wines, and upon coffee, tea, chocolate, spices and pictures, and upon hawkers, pedlars and petty chapmen, and upon muslins; and for granting new duties upon several of the said commodities, and also upon callico, China ware and drugs, it is enacted, That any person or persons may import into this kingdom, nutmegs, cinnamon, cloves, mace and tea, subject to the several duties payable for the same, from any parts beyond the seas, in British ships, navigated as therein mentioned, and so as notice be first given to the commissioners of her Majesty's customs of the quantity and quality of the said spices and tea so intended to be imported, and the place to which they intend to import the same, and taking a licence under the hands of the said commissioners for the time being for the landing and importing thereof, as aforesaid: and whereas by an act passed in the eighth year of the reign of her said late Majesty,* 8 Ann. c. 7. *intituled, An act for granting to her Majesty new duties of excise,* sect. 13. *and upon several imported commodities, and for other purposes therein mentioned, it is enacted, That nutmegs, cinnamon, cloves and mace, may be imported into Great Britain, subject to the several duties payable for the same, from any parts beyond the seas, in British ships, navigated as therein mentioned, the importer thereof first giving notice to the said commissioners of the quantity and quality of the said spices, and the place into which he intends to import the same, and taking a licence under the hands of the said commissioners for the importing thereof, which importation is to be continued during the continuance of the said respective acts, which are still in force: and whereas many ill-disposed persons having taken out licences for great quantities of the said spices and tea, do import the same at several times in small parcels, with intent secretly to land the same as opportunity shall offer; but if the said spices or tea are found by the officers of the customs on board the ship, the importers to prevent the seizures thereof, do produce their licences, and pretend that those spices or tea are part of the quantities mentioned in the said licences, whereby there is good reason to suspect that great frauds are frequently committed, to the lessening of his Majesty's revenue, and prejudice to the fair merchant: be it therefore enacted and declared by the authority aforesaid, That in every licence to be granted from and after the first day of August one thousand seven hundred and twenty, in pursuance of the said acts, and during their continuance, for the importing of nutmegs, cinnamon, cloves, mace and tea, shall be expressed the quantity and quality of the said spices and tea, and the place or port into which the same are intended to be imported; and that if any greater quantity of the said spices or tea shall be imported, than what is expressed in the said licence, the same so imported shall be deemed to be imported without a licence; and such licence shall and may be granted without any fee or reward by the commissioners or chief managers of the customs for the time being, or any three or*

In every licence for importing nutmegs, &c. the quantity and place of landing to be expressed, &c. Repealed as to the licence for tea by 7 Geo. 1. stat. 1. c. 21. sect. 12.

more of them, or by the customer or collector and controller of the port into which the said spices and tea are to be imported, so as that all nutmegs, cloves, mace and cinnamon, to be imported into this kingdom by virtue of such licence, from any place or places beyond the seas, other than directly from the *East-Indies*, be not in any other package than in casks or bales; which casks or bales shall contain the quantity hereafter mentioned, that is to say, each cask of nutmegs, cloves or mace to weigh neat three hundred pounds weight, or upwards, each bale of cinnamon to weigh neat seventy pounds weight, or upwards.

Licence to be delivered up at entering the ship.
Enforced by 8 Geo. 1. c. 18. sect. 27.

XLVI. And be it further enacted, That the licence so taken out for spice and tea as aforesaid shall be delivered to the merchant demanding the same; which licence shall be produced and delivered up by the master, purser or other person taking charge of the ship wherein such spice or tea shall be imported, with the name of the ship and master, together with the marks and numbers of each cask, bale or parcel, and the quantity and quality of such spice or tea indorsed on the back thereof, to the collector and comptroller of the port into which the same shall be imported, at the time of his or their entering the ship; any law, custom or usage to the contrary notwithstanding.

Spices in bags or small parcels, &c. forfeited.

XLVII. *And whereas such spices are frequently imported in bags and other small parcels packed in hogsheds, casks, bales or other package, in order to run the same clandestinely: be it enacted by the authority aforesaid, That if any of the spices above-mentioned shall be found on board any ship or vessel in bags or other small parcels packed in hogsheds, casks or bales, the same shall be forfeited; one moiety whercof to be to the use of his Majesty, his heirs and successors, and the other moiety to him or them who will inform or sue for the same in any of his Majesty's courts of record at Westminster, or in the court of exchequer in Scotland, wherein no essoin, protection or wager of law shall be allowed.*

8 Ann. c. 13.

XLVIII. *And whereas by an act of parliament of the eighth year of the reign of her late majesty Queen Anne made (amongst other things) for better preventing frauds in drawbacks, it was enacted, That no debenture should be paid or allowed for any tobacco exported from any port of Great Britain to the kingdom of Ireland, until a certificate should be produced under the hands and seals of the collector, comptroller and surveyor of the customs of any port in Ireland, or any two of them, where such goods should be landed, testifying the landing thereof (the danger of the seas or enemies excepted): and whereas it frequently happens, that tobacco imported into this kingdom, and afterwards shipped again for Ireland, doth in the carriage thither waste and decrease in weight, but as the law now stands no more drawback can be allowed, than for the quantity of tobacco particularly specified in the said certificates returned from Ireland: now for the encouragement of all fair traders that shall send tobacco for Ireland, it is hereby further enacted by the authority aforesaid, That from time to time, upon producing such certificates as aforesaid under the hands and seals of the collector, comptroller and surveyor*

An allowance of 2 per cent. to be made for tobacco ex-

eyor of the customs of any port in *Ireland*, or any two of them, where such tobacco shall be landed, testifying the landing thereof in that kingdom, at any time or times after the first day of *August* one thousand seven hundred and twenty, in case there shall appear to be any difference in weight between the quantity specified in such certificate, and the quantity entred and shipped or exportation thither, so that the quantity landed in *Ireland* shall be less than the quantity so entred and shipped for that kingdom, in all and every such case and cases an allowance shall be made to the merchant exporter on the duties to be drawn back of all such tobacco so shipped and exported to *Ireland*, in consideration of the waste which may happen (if any be) in the voyage between *Great Britain* and *Ireland*, so as such allowance do not in any case exceed two *per centum*; any former law or statute to the contrary notwithstanding.

XLIX. *And whereas it is found by experience, That great quantities of tobacco are clandestinely run into Ireland after the entering and exporting the same from Great Britain for other foreign parts, and the exporters have entituled themselves to debentures for the drawbacks in this kingdom, in prejudice of his Majesty's revenues and to the discouragement of fair traders: be it further enacted by the authority aforesaid, That if any tobacco so entred out and exported shall afterwards be landed in Ireland, the same and double the drawback thereof shall be forfeited, and every debenture for the drawback thereof shall become void, as if the said tobacco were relanded in any part of Great Britain; which forfeitures shall and may be prosecuted and recovered in any of his Majesty's courts of record at Westminster or Dublin respectively, or in the court of exchequer in Scotland; in which prosecution no essoin, protection or wager of law shall be allowed, nor any more than one imparlance; one moiety of which forfeiture or forfeitures to be to the use of his Majesty, his heirs and successors, and the other moiety to him or them that will sue for the same as aforesaid.*

Tobacco exported for foreign parts, landed in Ireland, forfeited and double the drawback, &c.

L. *And whereas the exporters of tobacco for any foreign parts are now only obliged to swear, that the tobacco shipped and certified is not landed, or intended to be relanded in any part of Great Britain: it is hereby enacted, That from and after the first day of August one thousand seven hundred and twenty Ireland shall be added and included in the oath before-mentioned (except for such tobacco as shall be regularly shipped for Ireland) without which the officers of the customs shall not suffer the debenture to pass; any law or custom to the contrary notwithstanding.*

Ireland to be added to the oath of exporters of tobacco to foreign parts.

LI. *And whereas by an act made in the ninth year of the reign of her said late majesty Queen Anne, intituled, An act for establishing a general post-office for all her Majesty's dominions, and for settling a weekly sum out of the revenues thereof, for the service of the war, and other her Majesty's occasions; the post-master general is authorized to demand, have, receive and take, for single letters or pieces of paper, to and from the general post-office in London, to and from any parts or places of Great Britain, the*

Bills of exchange wrote on the same piece of paper with a letter, to be rated as distinct letters.

9 Ann. c. 10.

kingdom

kingdom of Ireland, or other his Majesty's dominions, certain rates in the same act mentioned for the port of every single letter or piece of paper: and whereas bills of exchange are frequently sent wrote on one and the same piece of paper with a letter, and also several letters in several and distinct persons are sent wrote upon one and the same piece of paper: be it declared by the authority aforesaid, That it was and is the intent and meaning of the same act, that every such bill and every such letter should be rated, taxed and paid for as so many several and distinct letters, according to the rates within the same act mentioned. And be it enacted by the authority aforesaid, That the same shall be accordingly rated, taxed and paid for as so many several and distinct letters, according to the rates within the same act mentioned.

9 Ann. c. 10.
sect. 13.

Merchants accounts, bills of exchange, invoices, &c.

wrote on one sheet of paper, to extend only to such letters sent to foreign parts.

LII. *And whereas by the same act it is amongst other things provided, That all merchants accounts not exceeding one sheet of paper, and all bills of exchange, invoices and bills of lading are and shall be thereby understood to be allowed without rate in the price of the letter: and whereas some doubts have been made touching the said clause and proviso: be it therefore enacted and declared by the authority aforesaid, That it was and is the intent and meaning of the act last mentioned, and of these presents, that the said proviso and allowance shall extend to such merchants accounts, bills of exchange, invoices and bills of lading only, as shall be sent to or from the said general post-office in London to or from any parts or places beyond the seas, not within his Majesty's dominions; and that all other merchants accounts, bills of exchange, invoices and bills of lading shall be rated, taxed and paid for as so many several letters, according to the rates in the same act mentioned, and the true intent and meaning of these presents.*

Sheriffs, &c. delivering out warrants for arresting persons to attornies, &c. before they have the writs in their custody, shall forfeit 10 l.

LIII. *And whereas many under-sheriffs, and other persons acting as such, do make and deliver out blank warrants and other warrants to attornies, bailiffs and others, for the arresting and taking persons into custody upon mean process, without having any writ or writs or other legal process in their custody to justify the same, whereby his Majesty's duties are greatly lessened and his subjects aggrieved: for remedy whereof, be it enacted, That if any high sheriff, under sheriff, or his or their deputy or deputies, their clerks or agents, shall at any time or times after the first day of August one thousand seven hundred and twenty make or cause to be made or delivered out to any person or persons whomsoever, any warrant or warrants, either blank or filled up in part or in all, before they or some of them shall actually have in their custody the respective writs upon which such warrants should and ought to issue, that then the several persons so offending, and every of them, shall forfeit the sum of ten pounds for every such offence.*

5 & 6 W. & M.
c. 21. s. 4.

9 & 10 W. 3.
c. 25. s. 42.

LIV. *And whereas by a statute made in the fifth year of the reign of King William and Queen Mary, for granting to their Majesties several duties upon vellum, parchment and paper; and by another statute made in the ninth year of his said late Majesty King William the Third, for granting to his Majesty, his heirs and successors, further duties on stamp vellum, parchment and paper, it was (inter alia) enacted,*

enacted, That from and after the time and times therein respectively expressed every officer or clerk belonging to the court of King's bench, common pleas or exchequer, who should sign any writ before judgment to arrest any person or persons thereupon, should, at the signing thereof, set down upon such writ or process the day and year of his signing the same, under the forfeiture of ten pounds for every such offence or neglect: therefore for the better preventing the frauds aforesaid, be it enacted by the authority aforesaid, That every warrant to be made out or to issue upon any such writ or writs, shall have the same day and year plainly and distinctly set down thereon, as shall be so set down on the writ itself, under the forfeiture of ten pounds for every such neglect or omission, to be paid by the person who shall write, fill up or deliver out such warrant; both which penalties to be sued for, recovered and divided in such manner as the other penalties in the said recited act of the ninth of King William are directed to be sued for, recovered and divided.

LV. And whereas a practice hath of late prevailed for persons to cut out and tear off the mark or stamp upon the spotted or painted side of playing cards after such cards have been sold, used or played with, and by pasting on and affixing the same stamps and marks on other cards, do frequently make one mark or stamp serve for two or three several packs of cards: and whereas the seal and stamp upon the outside papers inclosing each pack of cards are frequently made use of again after they have been sold and disposed of, to inclose other packs of playing cards, by which fraudulent and unjust practices his Majesty's revenue is daily lessened and diminished: for remedy whereof, be it enacted by the authority aforesaid, That if any person or persons, at any time after the first day of August one thousand seven hundred and twenty, shall fraudulently cut, tear or get off any mark or stamp in respect whereof or whereby any duties are payable, or are denoted to be paid or payable to his Majesty on playing cards, or shall file, square or new spot any dice which have been sold or played with, or shall fraudulently inclose any parcel or pack of playing cards in any outside paper so sealed and stamped as aforesaid, the same having been once made use of for the purpose aforesaid, or in case any person or persons shall hereafter sell or expose to sale any playing cards, the same not being, at the time of such selling or exposing to sale, actually stamped on the spotted or painted side, and also inclosed in paper and thread, sealed and stamped, as by the act of the tenth year of her said late majesty Queen Anne, which charges the said duties, is directed; then, so often, and in every such case, every person so offending in any of the particulars before-mentioned shall for every such offence forfeit the sum of ten pounds, to be recovered by action of debt, bill, plaint or information in any of his Majesty's courts of record at Westminster, wherein no essoin, protection or wager of law shall be admitted, nor more than one imparlance; one moiety whereof to the King's most excellent majesty, his heirs and successors, the other moiety to the informer;

mer; and the person recovering in such action shall be allowed his full costs.

9 Ann. c. 23.

LVI. *And whereas by an act of parliament made in the ninth year of the reign of her late majesty Queen Anne, for licensing and regulating hackney-coaches and chairs, and for charging certain new duties on stamp vellum, parchment and paper; it was (inter alia) provided, That for every piece of vellum or parchment, or sheet or piece of paper, on which should be engrossed or written any licence for selling of ale or beer, or other exciseable liquors, by retail, a duty of one shilling should be paid to her Majesty, her heirs and successors, during the term of thirty two years: and whereas a practice has obtained to take the usual recognizances from persons for whom ale-licences are intended for selling ale and other exciseable liquors, and to take a list of their names, and the fees for such licences, but to omit to make out or write the same, to avoid the payment of the stamp-duties given thereon, and to omit the writing or other matters charged with stamp-duties since the making of the act of parliament of the first year of the reign of her said late majesty Queen Anne, intituled, An act for preventing frauds in her Majesty's duties on stamp vellum, parchment and paper; and at other times by rasures and interliniations of such ale-licences, policies of insurance, and several other matters and things chargeable with the payment of the stamp-duty, to make one stamp serve for several purposes: now for the prevention of the said frauds and omissions and other like frauds and omissions, in relation to any of his Majesty's duties under the management of the commissioners for managing his Majesty's stamp-duties, be it further enacted by the authority aforesaid, That all mayors, town-clerks and other persons whom it may concern, who shall take any such recognizances, shall be obliged to make or cause to be made out ale-licences duly stamped before such recognizances be taken, under the penalty of ten pounds for every such offence; and that all pains, penalties and provisions given and laid on by this act, and the said act of the first year of the reign of her said late majesty Queen Anne, for the punishment or prevention of such frauds and omissions as are herein and therein mentioned and intended, relating to the duties then in being, shall extend and be construed to extend to the like frauds and omissions relating to any of his Majesty's other stamp-duties imposed or laid on at any time since the making of the said last mentioned act of the first year of her said late Majesty's reign, and to be sued for, recovered and divided in such manner as is directed by the said last mentioned act.*

1 Ann. stat. 2.
c. 22.

Mayors, &c.
shall make out
ale-licences
duly stamped
before new re-
cognizances
be taken, on
penalty of 10 l.
1 Ann. stat. 2.
c. 22.

9 Ann. c. 23,
sect. 42.

LVII. *And whereas by a statute made in the ninth year of the reign of her late majesty Queen Anne, for licensing and regulating hackney-coaches and chairs, and for charging certain new duties on stamp vellum, parchment and paper, and on cards and dice, it was (inter alia) enacted, That the makers of cards and dice, during the term therein mentioned, should once in every twenty eight days make true entries upon oath with the commissioners of the stamp-duties, or their officers, of all the cards and dice by them respectively made; and should once in every six weeks clear all the duties owing for the same,*
under

under the penalties therein mentioned: and whereas the respective card-makers do often make up cards, the duties on which amount to fifty pounds and upwards per week, and each card-maker may make up treble that quantity, if he shall think fit, whereby they have an opportunity of being greatly in arrear to his Majesty, and the said duties are thereby often in danger of being lost, in regard the same act hath made no provision whatever for securing the said duties, until the said six weeks shall expire, be the danger ever so apparent: for remedy whereof, be it enacted by the authority aforesaid, That from and after the first day of August one thousand seven hundred and twenty every card-maker shall be obliged, at the respective times of entering every parcel or quantity of playing cards as aforesaid, to enter into bond to his Majesty, his heirs and successors, with sufficient surety or sureties, in a penal sum of treble the duties on such cards, with condition thereunder-written for the true payment of his Majesty's duties on such cards within the space of six weeks next after the date of every such bond; any thing contained in any law to the contrary thereof in any wise notwithstanding.

Card-makers at entering their cards to give bond in a penal sum of treble the duties to pay within six weeks.

LVIII. Provided always, and be it enacted, That if any card-maker shall, upon entry of every quantity of playing cards, pay down all the duty payable for the same, the commissioners for the stamp-duties for the time being shall, upon payment of the said duty, allow and pay to such card-maker such and the like allowance as is to be allowed and paid to any person or persons for present payment of the stamp-duties, by an act of the first year of her late Majesty's reign, intituled, *An act for preventing frauds in her Majesty's duties upon stamp vellum, parchment and paper.*

Allowance for prompt payment.

1 Ann. stat. 2. c. 22.

LIX. And be it further enacted by the authority aforesaid, That in case the commissioners for the time being for managing the stamp-duties shall be informed, or have cause to suspect, that any person or persons do make or cause to be made any playing cards or dice, in any house or place whatsoever in Great Britain, without sending or giving notice thereof in writing to the said commissioners at their head office, and affidavit being made thereof by the person or persons so informing or giving notice, before one or more justice or justices of the peace for the county or place where such cards or dice shall be making or made, declaring the grounds of his or their knowledge or suspicion, that then and in such case it shall and may be lawful for any officer or officers employed by or acting under the said commissioners in the management of the duties on playing cards and dice, in the day-time, and in the presence of a constable or other lawful officer of the peace (who is hereby required to be aiding and assisting therein) by warrant from such justice or justices of the peace before whom such affidavit shall be made, to be directed to such officer or officers as aforesaid (which warrant the said justice or justices of the peace are hereby authorized and required to grant) to break open the door, or any part of such house or place where any such cards or dice are so, as aforesaid,

On affidavit of any private place for making cards or dice, officers by warrant may break open doors, &c.

mer; and the person recovering in such action his full costs.

9 Ann. c. 23.

LVI. And whereas by an act of parliament in the first year of the reign of her late majesty Queen Elizabeth the first regulating hackney-coaches and chairs, and other carriages, and duties on stamp vellum, parchment and paper, it was enacted, That for every piece of paper, on which should be sold any ale or beer, or other excise, one shilling should be paid to the collector of the same, during the term of thirty years, to be retained to take the usual records, and to be put in a list of their names, and to be set out or write the said duties since the beginning of the reign of the said Elizabeth the first, preventing any counterfeiting or alterations of the said duties.

1 Ann. stat. 2. c. 22.

And enacted by the authority aforesaid, That any person who should be charged, or procuring to be forged or counterfeited any stamp or mark to resemble any stamp or mark provided, made or used, in pursuance of any act of parliament relating to the said duties, or any of them, or causing or procuring any vellum, parchment, paper, or dice to be marked or stamped with such counterfeit stamp or mark, shall and ought to be adjudged to have actually committed the same himself, and to be a felon, and to suffer death as in cases of felony, without benefit of clergy.

Mayor shall receive the duties due to the crown.

9 Ann. c. 4.

1 Geo. 3. c. 15. sect. 9.

LXI. And whereas by an act of parliament made in the seventh year of the reign of his said late majesty King William the Third, entitled, An act for granting to his Majesty several rates or duties upon houses, for making good the deficiencies of the clipped monies, several duties upon houses were granted for the term therein mentioned; and by an act made in the eighth year of the reign of her said late majesty Queen Anne, several new duties upon houses having twenty windows, or more, were granted for the term therein mentioned; which several duties by subsequent acts have been severally continued and made perpetual, subject nevertheless to such redemption as in the same acts, or some of them, is expressed: and whereas by the said acts relating to the said duties on houses, or some of them, it is enacted, That at the end of every year the collectors for the next preceding year shall cause copies to be made of the respective assignments given to them, and at the bottom thereof shall write or cause to be written the names of two or more of the most substantial inhabitants, whom they in their judgments shall think fit, to be appointed collectors of the said duties within the said cities, boroughs, towns, districts or places respectively, for the ensuing year; and the justices of the peace, as commissioners, or any two or more of them, after perusing and examining such assignments, and allowing the same, are to appoint two persons named as aforesaid to be collectors for the year

to such or materials shall be then appointed; and after such seizure of the owners thereof, the said materials shall be abated by the direction of the court, if the same are expired; one moiety of the said charges being first paid to the use of his Majesty, and the other moiety to the party or parties concerned.

And it is enacted, That any person who should be charged, or procuring to be forged or counterfeited any stamp or mark to resemble any stamp or mark provided, made or used, in pursuance of any act of parliament relating to the said duties, or any of them, or causing or procuring any vellum, parchment, paper, or dice to be marked or stamped with such counterfeit stamp or mark, shall and ought to be adjudged to have actually committed the same himself, and to be a felon, and to suffer death as in cases of felony, without benefit of clergy.

year ensuing; but it is found by experience, That in some places the collectors do name insolvent persons to succeed them, who run away and leave a debt on the parish or place, which being answerable for the collectors, is often vexed with process, without having any power, as the law now stands, to raise the arrears so incurred by a re-assessment: for remedy whereof be it further enacted by the authority aforesaid, That from and after the first day of August one thousand seven hundred and twenty, the said justices of the peace, who are commissioners for the said duties, or any three or more of them, shall and may, within their respective limits, appoint two such persons as they shall think able and responsible, to be collectors within the said parishes and places, or any of them, of the said duties on houses, from time to time (whether their names be or be not presented by the preceding collectors, as aforesaid;) and in case there be or shall be any arrear of the said duty on houses, by reason of the failure of any such collector or collectors as aforesaid, for which any parish or place shall be answerable, it shall and may be lawful to and for any three or more justices of the peace, being commissioners for the said duties on houses, to cause such arrear to be re-assessed within the same parish or place respectively, on all such houses as are liable to payment of the said duties on houses; and to cause the same to be raised, and (for default of payment) to be levied by such ways and means as the duties on houses are to be raised and levied in such parishes or places respectively, and to cause the money so raised or levied, to be paid to the receiver general of the said duties, or into the exchequer, for the respective uses and purposes whereunto such arrears (if they had been duly paid by the said collectors) are appropriated and appointed by the several acts of parliament in that behalf; any law or statute whatsoever to the contrary notwithstanding.

LXII. And whereas divers ships and vessels of the burthen of fifty tons or under, laden with tobacco, brandy, spirits and other customable or prohibited goods, pretending to be bound for foreign parts, do frequently lie hovering on the coast of Ireland, with intention to run the same privately on shore, as opportunity offers, to the great diminution of his Majesty's revenue and ruin of fair traders; and ships or vessels of the burthen of fifty tons or under do frequently lie hovering on that coast to take in wool, not lawfully licensed to be brought to England, and other staple commodities of Ireland, prohibited to be exported: for the better preventing whereof, be it declared and enacted by the authority aforesaid, That from and after the first day of August one thousand seven hundred and twenty, where any ship or vessel of the burthen of fifty tons or under, laden with customable or prohibited goods, shall be found at anchor or hovering on the coast of Ireland within two leagues of the shore, and not proceeding on her voyage, wind and weather permitting, it shall and may be lawful to and for any officer or officers of his Majesty's customs of that kingdom, to go on board every such ship or vessel, and to take an account of the lading, and to demand and take security from the master or other person

Justices of peace may appoint collectors of the duties on houses.

If any arrear by reason of collectors failure, justices may make a re-assessment.

Ships of fifty tons hovering on the coasts of Ireland within two leagues of the shore, officers may enter such ships to take account of the lading, and take security of the ma-

fers in treble the value of the goods on board, for proceeding regularly on their voyage.

(a) Not land, in the record.

Amended by 12 Geo. 2.

c. 22.

Masters refusing bonds or not departing in 20 days, officers may secure all the goods, &c.

person having or taking the charge or command of such ship or vessel in that voyage, by his own bond by him to be entred into unto his Majesty, his heirs and successors, in such sum or sums of money as shall be treble the value of such goods then on board, with condition that such ship or vessel (as soon as wind and weather, and the state and condition of such ship or vessel doth permit) shall and will proceed regularly on such voyage, and shall (a) land such goods (except wool lawfully licensed, as aforesaid) in and at some foreign port or ports; and if such master or other person having or taking the charge or command of such ship or vessel, shall upon such demand refuse to enter into such bond, or having entred into such bond, shall not depart or proceed regularly on such voyage (as soon as wind and weather, and the state and condition of such ship or vessel shall permit) unless otherwise suffered to make a longer stay by the collector (or other principal officer in his absence) of such port where such ship or vessel shall be, not exceeding twenty days, then, and in either of the said cases, all the goods so on board such ship or vessel, shall and may, by any officer or officers of the customs, by direction of the collector, or other principal officer, as aforesaid, be taken out of and from such ship or vessel, and forthwith brought on shore and secured; and in case the said goods are customable, the customs and other duties shall be paid for the same; and as concerning wool, or any prohibited goods, or other goods liable to forfeiture, which may be found on board such ships or vessels at the time of their unlading, as aforesaid, the same are hereby declared to be subject to forfeiture, and the officers of the customs shall and may prosecute the same, as also the ship or vessel, in case she shall be liable to condemnation.

On landing the goods, bond void.

Bonds not otherwise discharged, to be vacated on certificate.

Commissioners of excise in Ireland to determine all offences relating to wool.

LXIII. Provided always, That after such goods are so taken out of such ship or vessel, and brought on shore, and secured by such officer or officers, such bonds so to be given as aforesaid, shall be void, and delivered up without any fee or reward for taking or delivering up the same; and such bond not being otherwise discharged, shall, on a proper certificate returned under the common seal of the chief magistrate in any place or places beyond the seas, or under the hands and seals of two known *British* or *Irish* merchants upon the place, that such goods were there landed, or upon proof by credible persons, that such goods were taken by enemies, or perished in the seas, (the examination and proof thereof being left to the judgment of the commissioners of the customs in *Ireland*) shall be vacated and discharged.

LXIV. And it is hereby enacted by the authority aforesaid, That the commissioners or sub-commissioners of excise respectively, in their respective limits and districts in *Ireland*, or the major part of them, are hereby authorized and required to hear and determine all offences against any clause or article contained in this or any other act of parliament now in force in *Ireland*, made for preventing the unlawful exportation of wool, wool-

fells, shortlings, mortlings, wool-flocks, worsted, bay or woollen yarn, cloth, serge, kerseys, bays, sayes, frizes, druggets, cloth-ferges, shalloons or any other drapery stuffs or woollen manufactures, made or mixed with wool or wool-flocks, and manufactured in *Ireland*; which commissioners or sub-commissioners shall and may proceed in a summary way, and give judgment or sentence, and levy the fines, penalties and forfeitures thereupon, in such or the like manner as they are enabled to proceed, give judgment, and levy the fines, penalties and forfeitures, in cases of excise in *Ireland*, by any act or acts of parliament now in force in that kingdom.

LXV. And be it further enacted, That no person or persons shall be admitted to claim property in any seizure that shall be made upon any clause or clauses in any act of parliament for preventing the unlawful exportation of wool from *Ireland*, till he or they shall first have given sufficient security to the said commissioners or sub-commissioners of the district where such seizure shall be made to answer the penalties attending the forfeiture thereof, if such seizure shall be adjudged to be good in law.

None may claim property in any seizure in Ireland till they have given security, &c.

LXVI. And it is hereby further enacted by the authority aforesaid, That if any person or persons shall be sued, molested or prosecuted for any thing done by virtue or in pursuance of this act, or any of the clauses therein contained, such person and persons shall and may plead the general issue, and give this act and the special matter in evidence for his, her or their defence; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action, or be nonsuited, or judgment shall be given against him or them upon demurrer, or otherwise, then such defendant or defendants shall have full costs to him or them awarded against such plaintiff or plaintiffs.

General issue.

C A P. XXII.

An act for relief of insolvent debtors, and for the more easy discharge of bankrupts out of execution, after their certificates allowed. EXP.

Every sheriff, gaoler, &c. shall make a list of all prisoners in their custody on 24 June 1719. And deliver the same upon oath to the first quarter-sessions after May 1, 1720. Persons inserted in such lists, who were prisoners on June 24, 1719. and shall continue so to their discharge (other than those committed by judges warrants on an escape) who shall take the oath in the act, shall be discharged in the manner herein provided. Prisoner to deliver a schedule of his estate, and the names of his debtors, &c. Schedule to remain with the clerk of the peace, in whom the estate shall be vested, to be assigned to the creditors. Justices shall order the sheriff, &c. to discharge such prisoner without other fee than 2s. Prisoners discharged shall not be imprisoned for any debt, &c. contracted before June 24, 1719. Notwithstanding the discharge of any person, all judgments shall stand good against his lands, &c. None shall have any benefit of this act unless discharged by 25 March 1721. Not to extend to Scotland. Discharge hereafter appearing to be fraudulently obtained, shall be void. None to have any benefit who owes above 50l. to one person. Any judge of the court where judgment has been obtained against a bankrupt, may, on his producing a certificate of his discharge, order any sheriff, &c. to discharge him without fee.

CAP. XXIII.

An act for the further preventing robbery, burglary, and other felonies, and for the more effectual transportation of felons.

All the powers given by 4 Geo. I. c. 11. to any court by whom any felons convicted may be transported, may be executed by any subsequent court, held for the same county, &c. though at another place.

Such court may appoint two justices of the county, &c. to contract with any persons for the transportation of such felons; and may order the like security, and cause the felons to be delivered to the persons contracting: The contracts to be certified to the next court.

WHEREAS the laws in being have not yet proved effectual to the suppressing of robbery, burglary, and other felonies, and to the transportation of felons, and some of the said laws wanting to be amended and enforced: be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That all the powers and authorities which are in and by an act made in the fourth year of the reign of his present Majesty, intituled, *An act for the further preventing robbery, burglary, and other felonies, and for the more effectual transportation of felons, and unlawful exporters of wool; and for declaring the law upon some points relating to pirates,* given to any court before whom any felons and offenders tried for and convicted of any offences for which they may be sent or transported to any of his Majesty's colonies or plantations in *America*, shall and may be observed and executed by any other subsequent court with like authority, held for the same county, riding, division or liberty, where such felons or offenders were or shall be tried and convicted, notwithstanding such other subsequent court shall happen to be held at or in any other town or place than that wherein such trials or convictions were or shall be.

II. Provided always, and it is further enacted by the authority aforesaid, That the court before whom such felons or offenders (who may, by virtue of the said recited act, or by this present act, be transported, as aforesaid) were or shall be convicted, or any other court held with the like authority for the same county, riding, division, liberty or place, wherein they were or shall be so convicted, as aforesaid, may nominate and appoint, if they shall think fit, two or more justices of the peace of and for the said county, riding, division, liberty or place, where such offenders were or shall be convicted, who shall have power and authority to contract with any person or persons for the performance of the transportation of such felons and offenders, who by order of such court or courts are to be sent to any of the colonies and plantations aforesaid; and to order such and the like sufficient security (as the said recited act directs to be taken by order of court) and also to cause such felons, pursuant to such contracts, to be delivered by the respective gaolers in whose custody they are, shall or may be, to the person or persons contracting for them, or to his or their assigns; which said contracts and security shall, from time to time, be certified by the justices, who shall make and take the same, to the next court held with the like authority for the said county, riding, division, liberty or place, where such felons were or shall

shall be convicted, to be filed and kept amongst the records of such court.

III. And it is further enacted by the authority aforesaid, That all charges in and about making the contracts, taking securities, and conveying of felons, in order to be transported, by virtue of this or the said recited act, shall be born by each county, riding, division, liberty or place, for which the court was held that ordered such felon or felons, offender or offenders to be transported; and their respective treasurer or treasurers shall, by order of the justices of the peace in their respective general quarter-sessions, pay all such charges and expences to such person or persons as shall be employed for the purposes aforesaid.

IV. And it is further enacted by the authority aforesaid, That all securities for transportation hereafter to be taken, pursuant to this or the said former act, shall be by bond in the name of the respective clerks of the peace of the county, riding, division or place, as aforesaid, which said clerks of the peace, and their successors shall, from time to time, prosecute such bonds in their own names, to which purpose they shall be deemed and taken to be a body corporate, and be paid all such costs, charges and expences, as they or any of them shall sustain or expend in any such suit, as the said justices of the peace shall at their general quarter-sessions of the peace direct, for the penalty of such bond, or otherwise howsoever by reason thereof, out of the publick stock, and by the respective treasurer or treasurers, as aforesaid; and that all monies recovered on any such security or bond entred into, as aforesaid, shall be to and for the use of the respective county, riding, division and place, and be paid to such respective treasurer or treasurers, as aforesaid, to be part of the publick stock of such county, riding, division, liberty or place, as aforesaid.

V. And it is further enacted by the authority aforesaid, That the person or persons so contracting, as aforesaid, and to whom any such felons or offenders shall be delivered in order to be transported, as aforesaid, or any person or persons directed by the said justices (impowered to contract as aforesaid) or their assigns, may, in such manner as they shall think fit, carry and secure the said felons and offenders in and through any county and counties of *Great Britain* whatsoever, toward the sea-port from whence they are to be transported, as aforesaid; and that if any person or persons shall rescue such felons or offenders, or any of them, he, she and they so rescuing, or aiding or assisting such felons or offenders, or any of them, in making their escape from such person or persons as shall have them in their custody, as aforesaid, shall be deemed and adjudged guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy.

VI. *And whereas some felons ordered for transportation according to law, have already, and others may come on shore, and return to Great Britain, before they have been actually transported to America, or may break goal, or escape before such transportation:* be it further enacted

the expiration of the term, shall suffer death.

enacted by the authority aforesaid, That if any felon or felons, who have been or shall be ordered for transportation by this or any other act, shall be afterwards at large within any part of this kingdom of *Great Britain*, without some lawful cause, before the expiration of the term for which such felon or felons was, were, or shall be ordered to be transported, all and every such person and persons, being thereof lawfully convicted, shall suffer death as in cases of felony, without benefit of clergy.

Where such offenders may be tried, and what shall be a sufficient proof to convict them.

VII. And to the intent that such conviction may be with as little trouble and expence as possible, be it further enacted by the authority aforesaid, That such offender or offenders may be tried either before justices of assize, *oyer* and *terminer*, or gaol-delivery for the county, city or liberty, where he, she or they shall be apprehended and taken, or before justices of assize, *oyer* and *terminer*, or gaol-delivery for that county, city or place, from whence he, she or they were ordered to be transported; and that the clerk of the assize and clerk of the peace where such orders of transportation shall be made, and their successors for the time being, shall, at the request of the prosecutor, or any other in his Majesty's behalf, certify a transcript briefly and in few words, containing the effect and tenor of every indictment and conviction of such man or woman, and of the order and contract for his or her transportation, to the justices of assize, *oyer* and *terminer*, or gaol-delivery, where such man or woman shall be indicted (not taking for the same above the sum of two shillings and six pence) which certificate being produced in court shall be a sufficient proof that such person or persons have before been convicted and ordered to be transported.

The streets of London, Westminster, &c. shall be deemed highways within the 4 & 5 W. & M. c. 8.

VIII. *And whereas frequent robberies have been lately committed in the streets of London and Westminster, and other cities, towns and places, and doubts have arisen whether any reward could be allowed to persons concerned in the apprehending, prosecuting and convicting such offenders, which may prove a discouragement to persons who otherwise may be willing to undertake the same:* be it hereby enacted by the authority aforesaid, That the streets of *London* and *Westminster*, and other cities, towns and places, shall be deemed and taken to be highways to all intents and purposes, within the intent and meaning of an act made in the fourth and fifth years of the reign of their late majesties King *William* and Queen *Mary*, intituled, *An act for the encouraging the apprehending of highwaymen*; and all certificates to be hereafter signed upon convictions for robbery, shall be signed and paid without any deduction, fee or reward to be taken for the same, excepting any sum not exceeding five shillings for the writing and drawing thereof, and that as well where any offender or offenders plead guilty, as where they are convicted on evidence; and if any person or persons, under the pretence of signing or procuring to be signed any such certificate, or on account of payment of the money allowed therein, shall take any fee or reward for the same, other than as aforesaid, every such person or persons offending therein, shall forfeit and pay the sum of forty pounds, to be recovered by action

And all certificates upon conviction for robbery shall be paid without fee; except 5 s. for writing, and persons taking more shall forfeit 40 l.

action of debt, bill, plaint, suit or information, in any of his Majesty's courts of record at *Westminster*, where no effoin, protection or wager of law shall be allowed, or any more than one imparlance; such forfeiture to be to the use of the person or persons entitled to the said certificate, on the account of which such fee or reward was taken, as aforesaid.

IX. *And whereas the practice of taking money to help persons to their stolen goods, and sharing it with the felons, is still continued in defiance of the laws, and to the encouragement of felons:* be it enacted by the authority aforesaid, That whoever shall discover, apprehend and prosecute to conviction of felony without benefit of clergy, any person or persons for the said offence of taking money or other reward, directly or indirectly, to help any person or persons to their stolen goods (such offender not having apprehended the felon who stole the same, and brought him or her to trial for the same, and given evidence against him or her as required by law) shall be entitled to a reward of forty pounds for every such offender so convicted, as aforesaid, and shall have the like certificate, and like payments made without fee or reward, as any person or persons may be entitled unto for the apprehending, prosecuting and convicting of highwaymen by any law or laws for that purpose.

X. And be it further declared by the authority aforesaid, That the reward of the reward of forty pounds for the apprehending and convicting any person or persons for burglary, shall be paid without any deduction, as aforesaid, for every offender who shall be apprehended and convicted for the said crime.

XI. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time or times, from after the twenty fourth day of *June* in the year of our Lord one thousand seven hundred and twenty, wilfully and maliciously assault any person or persons in the publick streets and highways, with an intent to tear, spoil, cut, burn or deface, and shall tear, spoil, cut, burn or deface the garments or cloaths of such person or persons, that then all and every person and persons so offending, being thereof lawfully convicted, shall be and be adjudged to be guilty of felony; and every such felon and felons shall be subject, and liable to the like pains and penalties as in case of felony; and the courts by and before whom he, she or they shall be tried, shall have full power and authority of transporting such felons for the space of seven years, upon the like terms and conditions as are given, directed or enacted by this or the before recited act.

CAP. XXIV.

An act for better explaining the nature of conveyances to be made to the purchasers of the forfeited estates by the commissioners and trustees acting in Scotland; and for preventing difficulties in determining claims on the said estates; and to enable the judges in Ireland to examine witnesses relating to claims on forfeited estates there; and for enabling such corporations as shall purchase any of the said estates to grant annuities, not exceeding the yearly value of the said estates; and for relieving the widow and daughters of the late Sir Donald Macdonald. E X P.

Indentures of bargain and sale executed by the commissioners in Scotland, to contain a procuratory of resignation. And when such estate was holden of the crown, the exchequer shall accept of a surrender on such procuratory. And when holden of a subject, he to accept in like manner. Where the forfeiting person enjoyed such estate in virtue of a personal right, commissioners to make over the same. Where such estate was holden of the crown, the buyer shall hold by blanch-holding. Purchasers shall enjoy all privileges, and may sell, &c. as persons having any estate in fee-simple. Claimants entering appeals, and also commissioners, may proceed for reverting, &c. the decrees of the delegates, as is competent by the laws of Scotland. After 30 days shall elapse without petition, the delegates decrees shall be final. Examinations of claimants and witnesses in Ireland may be taken before the judges there; and being transmitted to England shall be effectual. Commissioners may examine persons *viva voce*. Purchasers may grant rent charges to the yearly value of the estates; and bodies politick may be purchasers: and may raise money by calls from their members. Corporations granting rent charges exceeding the annual value of the estates, to forfeit treble the sum advanced besides the annual value. Where any rent-charge shall cease, the corporation may grant another, so as the whole do not exceed the annual value of the estate. The King may make the same provisions for the widow and daughters of Sir Donald Macdonald as they would have been entitled to if he had not been attainted.

C A P. XXV.

An act for repairing the roads from Stevenidge in the county of Hertford, to Biggleswade in the county of Bedford.

This act is to continue for 21 years from the 24th of June 1720. *Continued by 11Geo. 2. c. 10.*

C A P. XXVI.

*Continued by
11Geo. 2. c. 36.*

An act for enlarging the term granted by an act in the fourth year of his Majesty's reign, intituled, *An act for repairing the highways leading from the Stones End in Kent-street in the parish of St. George's Southwark in the county of Surrey, to the Lime-Kilns in East-Greenwich near Black-Heath, and to Lewisham church, being the Tunbridge road in the county of Kent*; and for repairing and amending the highways and roads leading from Westminster-Ferry in the parish of Lambeth in the county of Surrey, to Newcross in the parish of Deptford in the county of Kent; and for enlarging the term granted by an act passed in the fourth year of his Majesty's reign, intituled, *An act for amending the roads from the city of London to the town of East Grinstead in the county of Sussex, and to Sutton and Kingston in the county of Surrey*, and for explaining and amending the same act.

C A P. XXVII.

An act for making the river Darwent in the county of Derby navigable.

Undertakers impowered, at their own expence, to make the Darwent navigable, from the mouth of the river to Derby. Commissioners appointed. Any nine of them may mediate between the undertakers and the owners and occupiers of lands, &c. And settle what satisfaction every person shall have for his loss. And proportion what share shall be paid any tenant. Persons having notice, and not treating or agreeing in ten days, or through any disability, not being able, the commissioners on the oath of a jury of twelve men of the county, not being burgesses of Derby, shall assess such damages, as they shall think fit, to be awarded to the owners of the lands, &c. Damages happening to any owners of lands, or to mills, wears, &c. by any act of the undertakers, they shall pay such sum as the commissioners shall judge reasonable. For which the party shall have an action of debt, and recover costs and damages. The undertakers may demand, not exceeding 1 s. per ton, for wares carried on the said river. In case of death or refusal to act of any commissioner, any nine may appoint another residing in Derbyshire, and having 100 l. per annum

annum in lands, so as there be always 20 commissioners at least. On complaint of any damage, commissioners shall issue their warrant to the sheriff to return a jury, to inquire thereof, and assess the damage, and the commissioners shall give judgment for the undertakers to pay accordingly. Boatmaster answerable for damages done by his vessel. Commissioners proceedings, &c. to be entered in books, to which all persons may have recourse and take copies, paying 1 s. for not above 200 words. Undertakers shall erect a wharf near Holms Mills Fleam or in the Morledge, and all persons may lade and unlade there paying 2 d. per ton. All the King's people paying the duties shall have free passage on the river. Owners of lands, &c. near the river may keep boats for pleasure, or for conveying manure, &c. without paying. Commissioners shall not have power to determine any damages, otherwise than by verdict of a jury.

C A P. XXVIII.

An act for making the river Douglas alias Afland navigable, from the river Ribble to Wigan in the county palatine of Lancaster.

Undertakers to make the Douglas navigable at their own costs. May alter bridges or highways, pull down mills, wears, &c. set out towing paths, &c. first giving satisfaction to the proprietors. Commissioners appointed for adjusting differences between the undertakers and proprietors. Persons interested dissatisfied, &c. Commissioners shall issue warrants to the sheriff of Lancaster to return a jury. None to act as a commissioner, who has not 100 l. per annum in the county. In case of death of any commissioners, or their refusal to act, the other commissioners to nominate others. Undertakers may demand for every ton of coal, &c. up or down the river, any sum not exceeding 2 s. 6 d. Barge-masters answerable for damages done by their vessels, &c. to wears, &c. The Douglas between the Ribble and Miry-Lane End, not under the survey of any commission of sewers. Owners of lands near the river may use pleasure boats, but not carry goods in them. The river shall be esteemed navigable from the Ribble to Miry-Lane End, and free for all persons to pass, paying the rates. Saving all royalties of fishing or fowling. Any person may carry wares on the river, paying 2 s. 6 d. per ton. No meeting of commissioners to be above eight miles from the place in question. Undertakers not finishing the navigation within eleven years after the end of this session of parliament, commissioners may appoint others. Damages in grounds, mills, &c. occasioned by the undertakers raising the water too high, not keeping up the banks, &c. Commissioners shall ascertain the same by a jury, and give judgment for it. Undertakers cutting through, or altering highways, shall prepare as good: and if they have occasion to purchase land, the price shall be ascertained as above.

C A P. XXIX.

An act for preserving and improving the navigation of the river Ouse in the county of Huntingdon.

Henry Ashley, esq; impowered to repair and amend the passage for boats, &c. on the Ouse, to cleanse the river at Hollowell, to repair St. Ives Stanch; to cut banks, &c. The quarter-sessions for Huntingdonshire to determine the satisfaction to be given for damages, who may summon witnesses, &c. Sums decreed, to be paid in three days after notice, and on refusal two justices may levy by distress. The toll for every chaldet of coals Lynn measure, one penny. For every half hundred of deals, one penny. For every load of timber, forty foot to the load, one penny. For eight packs of wool, ten tods to the pack, one penny. For every weigh of salt, one penny. For every load of wheat, barley, rye, pease or beans, five quarters to the load, one penny. For every last of oats, one penny. For every thousand of turf, one penny. For every load of reed, sedge, hay, or hemp, twenty hundred weight to a load, one penny. For every last of malt one penny. For every thousand of tiles, one penny. For every chaldet of lime, one penny. And for every ton of other goods, one penny. Persons obstructing the undertaker in any thing authorized by this act,

or

doing any damage to the stanch or new works, he may bring his action, and shall recover treble damages and full costs. Or the person opposing, or doing such damage, may be set in the stocks three hours for the first offence, and for the second sent to the house of correction. Boat-master to answer for damage done by his boat or crew. Six justices of Huntingdonshire and six commissioners of sewers in the fens, shall be commissioners for government of the new works; five of whom may meet, and make orders, &c.

CAP. XXX.

An act for making the river Idle navigable, from East-Retford in the county of Nottingham, to Bawtry-Wharf in the county of York.

The bailiffs and aldermen of East-Retford, impowered to make the Idle navigable from East-Retford to Shire-Dike. The bailiffs, &c. before they begin to make cuts, &c. to agree with the owners of the lands. Commissioners appointed for adjusting all differences between the said bailiffs, &c. and the owners of lands, &c. damnified. If any persons will not agree, or through any disability cannot, the commissioners shall issue their warrant to the sheriff to impanel a jury, who upon their oath, after view, shall assess damages, and the commissioners shall give judgment accordingly. Commissioners death or refusal to act shall be recorded, and the other commissioners may nominate another, having 50 l. per annum, or 1000 l. Personal estate. Manure to pay 3 d. and all other goods 1 s. per ton. The bailiffs, &c. may lessen the duty. The master of every barge, &c. answerable for damage done by his barge, &c. or crew. Persons throwing roots, &c. into the river, and thereby obstructing the navigation, the bailiffs, &c. may sue them, and shall recover what removing the obstruction shall cost, &c. Commissioners of sewers shall have no power to do any thing that may hinder the navigation. The Idle shall for ever hereafter be navigable from East-Retford to Shire-Dike; and all persons have free passage thereon. None may cut down or damnify any trees near the river, so as sufficient halting paths be left. Persons aggrieved may appeal to justices of assize, whose order shall be final, and no appeal from their judgment.

Anno Regni GEORGII I. Regis Magnæ Britanniae, Franciæ & Hiberniæ, septimo.

AT the parliament begun and holden at Westminster, the seventeenth day of March, Anno Domini one thousand seven hundred and fourteen, in the first year of the reign of our sovereign lord GEORGE, by the Grace of God, of Great Britain, France and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the eighth day of December one thousand seven hundred and twenty; being the sixth session of this present parliament,



CAP. I.

An act for restraining the sub-governor, deputy-governor, directors, treasurer or cashier, deputy-cashier, and accountant of the South-Sea company, from going out of this kingdom for the space of one year, and until the end of the then next session of parliament; and for discovering their estates and effects, and for preventing the transporting or alienating the same.

WHEREAS Sir John Fellows, baronet, the present sub-governor, Charles Joye, esquire, deputy-governor, and William Atwell, esquire, Sir Lambert Blackwell, baronet, Sir John Blunt, baronet, Sir Robert Chaplain, baronet, Sir William Chapman, knight and baronet, Robert Chester, esquire, Stephen Child, esquire, Peter Delaport, esquire, Francis Eyles, esquire, James Edmonion, esquire, Edward Gibbon, esquire, John Gore, esquire, Sir William Hammond, knight, Francis Hawes, esquire, Richard Horley, esquire, Richard Holditch, esquire, Sir Theodore Jansen, knight and baronet, Sir Jacob Jacobson, knight, Arthur Ingram, esquire, Sir John Lambert, baronet, Sir Harcourt Master, knight, William Morley, esquire, Ambrose Page, esquire, colonel Hugh Raymond, Samuel Read, junior, esquire, Thomas Reynolds, esquire, Jacob Sawbridge, esquire, William Tillard, esquire, and John Turner, esquire, directors of the corporation of the governor and company of merchants of Great Britain trading to the South-Seas, and other parts of America, and for encouraging the fishery; and also Robert Knight, treasurer or cashier, Robert Surman, deputy-cashier, and John Grigby, accountants to the said corporation, in confederacy with the said sub-governor, deputy-governor and directors, under colour of an act passed in the last session of parliament, intituled, An act for enabling the South-Sea company to encrease their present capital stock and fund, by redeeming such publick debts and incumbrances as are therein mentioned; and for raising money to be applied for lessening several of the publick debts and incumbrances; and for calling in the present exchequer-bills remaining uncanceled; and for making forth new bills in lieu thereof, to be circulated and exchanged upon demand at or near the exchequer, have contrived and carried on many notorious, fraudulent and indirect practices, contrary to the intention of the said act, to the great detriment of the publick, in breach of their trust, and to the manifest wrong and oppression of great numbers of his Majesty's subjects: now to the end that their persons and estates may be secured, so as to answer and be liable to justice in parliament, be it enacted, &c. E X P.

Further provisions relating to the matters in this act.
7 Geo. 1. stat. 1. c. 28.

6 Geo. 1. c. 4.

The sub-governor, directors, &c. of the South-Sea company shall not go out of the kingdom for one year from December 8, 1720. and till the end of next session of parliament. But shall enter into recognizance with sureties before the barons of the exchequer not to depart, &c. The sub-governor, &c. to be bound in the penalty of 100,000*l.* and sureties, in 25,000*l.* each.

each. Neglecting to enter into such recognizance before February 8, 1720. to be committed to the Fleet without bail. The sub-governor, &c. departing out of the kingdom, and persons aiding to such departure shall be guilty of felony. The said sub-governor, &c. shall before March 25, 1721. deliver upon oath to one of the barons of the exchequer, two inventories of all their real and personal estate, of which they were possessed on June 1, 1720. and also of such estate as they have aliened or disposed of since that day. Barons of the exchequer to deliver a duplicate of such inventories to either house of parliament. If such inventories appear evasive, or upon signification from either house of parliament for a farther examination to be had thereupon or on information of any concealment, &c. the barons may examine persons on oath, and summon the sub-governor, &c. to appear; and in default issue their warrants to bring them before them. Refusing to be examined, shall be committed to the Fleet without bail. Not delivering inventories, or not submitting to be examined in eight days after commitment, or being guilty of any concealment, &c. shall suffer death. The barons may issue warrants to apprehend persons refusing to appear upon summons; and may commit to the Fleet such as refuse to be sworn, and answer to interrogatories, till they submit to be examined. The sub-governor, &c. disabled for one year after January 5, 1720. to alien, &c. any lands, &c. But they may dispose of their estates by their last will. The sub-governor, &c. shall not for one year after January 5, 1720. convey any of their goods, &c. out of the realm, except shares of ships, &c. Offending shall be guilty of felony. Persons having accepted of any trust, or concealing any estate, &c. to forfeit treble the value, and be imprisoned for one year without bail. Discoverers of any concealed estate, before September 29, 1721. shall be allowed 20l. per centum for effects beyond the seas, and 10l. for effects in this kingdom. The forfeited estates to be paid into the exchequer for the use of the South-Sea company.

C A P. II.

An act to disable the present sub-governor, deputy-governor and directors of the South-Sea company, at, from and after the respective times for electing a sub-governor, deputy-governor and new directors of the said company, to take, hold or enjoy any office, place or employment in the said company, or in the East-India company, or bank of England, and from voting upon elections in the said company.

WHEREAS Sir John Fellows, *baronet, sub-governor, and* Charles Joye, *esquire, deputy-governor, and* William Astell, *esquire, Sir Lambert Blackwell, baronet, Sir John Blunt, baronet, Sir Robert Chaplain, baronet, Sir William Chapman, knight and baronet, Robert Chester, Stephen Child, Peter Delaport, Francis Eyles, James Edmondson, Edward Gibbon, John Gore, esquires; Sir William Hammond, knight, Francis Hawes, Richard Horsley, Richard Houlditch, esquires; Sir Theodore Janssen, knight and baronet, Sir Jacob Jacobson, knight, Arthur Ingram, esquire, Sir John Lambert, baronet, Sir Harcourt Master, knight, William Morley, Ambrose Page, colonel Hugh Raymond, Samuel Read junior, Thomas Reynolds, Jacob Sawbridge, William Tillard, and John Turner, esquires, directors of the corporation erected by the name of The Governor and Company of Merchants of Great Britain trading to the South-Seas and other*

partii

parts of America, and for encouraging the fishery, have been guilty of a notorious breach of trust in the execution of their said offices, to the great detriment of the said company, and of publick credit: be it therefore enacted, &c. E. X P.

The sub-governor, &c. of the South-Sea company disabled from holding any office in that or the East-India company, or in the bank of England. Disabled also from voting in elections of sub-governor, &c. of the said companies.

C A P. III.

An act for repealing an act made in the ninth year of the reign of her late majesty Queen Anne, intituled, An act to oblige ships coming from places infected more effectually to perform their quarentine; and for the better preventing the plague being brought from foreign parts into Great Britain or Ireland, or the isles of Guernsey, Jersey, Alderney, Sark or Man; and to binder the spreading of infection.

WHEREAS in the parliament begun and holden at Westminster in the ninth year of the reign of her late majesty Queen Anne an act passed, intituled, An act to oblige ships coming from places infected more effectually to perform their quarentine: and whereas *Marseilles, and other places in the southern parts of France, have for some time past been visited with the plague, which occasioned just apprehensions lest the infection might be brought into this kingdom from the places so infected, or other places trading or corresponding therewith, unless timely care were taken to prevent the same: and whereas it hath been found by experience, That the said act is defective and insufficient for the purposes intended, and the penalties inflicted by the same not adequate to the offences thereby prohibited; and some further provisions are necessary to be made, in case it should please Almighty God to permit these kingdoms to be afflicted with the plague: for remedy thereof, be it enacted, &c.* See 3 Geo. 1. c. 8. & 10. & c. 18. 1721. 14. 26 Geo. 2. c. 6.
E. X P. See 26 Geo. 2. c. 6.

During the times of infection all vessels, persons, goods, &c. coming into Great Britain, &c. from places infected, &c. shall perform quarentine as his Majesty shall direct by proclamation. Master, &c. of any vessel coming from infected places, or having on board persons visited with the plague, and not discovering the same, guilty of felony. Master, &c. not making a true discovery of the particulars, to forfeit 200 l. If the master, &c. of any vessel liable to quarentine shall quit such vessel, or permit any seaman, &c. so to do, or on notice not conveying such vessel to the place appointed for quarentine, such ships, &c. shall be forfeited, and the master, &c. shall forfeit 200 l. Persons quitting such ship may be compelled to return on board; and shall be imprisoned six months, and forfeit 200 l. In case of infection his Majesty in council may make orders concerning quarentine, &c. In times of infection the King may cause ships and lazarets to be provided for the performance of quarentine, and entertainment of persons infected; likewise proper places for airing of goods, &c. To be approved by two justices; either in wasset, or in the grounds of any person, not being a house, park, &c. paying for the same. Rates to be assessed by quarter-sessions. The proper officers may compel persons infected,

Rep. 8 Geo. 1.
c. 10.

infected, or obliged to quarentine, to repair to the places provided. Persons refusing to repair, &c. or endeavouring to escape, may be compelled by any kind of violence. Persons actually refusing to repair, &c. or escaping, shall suffer death as felons. Persons not infected, entering any ship, &c. shall continue and perform quarentine: and such persons actually escaping, shall suffer death. The King may cause lines to be cast up about places infected; and prohibit persons, goods, &c. to pass such lines. Persons offering to pass without licence, may be compelled back, and actually passing, shall suffer death. Two justices may order inhabitants of neighbouring parishes, &c. to keep watches night and day on places infected, and upon such lines, &c. with such numbers of men as they shall think fit. Inhabitants refusing to watch, shall forfeit not exceeding 100l. nor less than 50l. and shall be imprisoned two months without bail, and till payment. Watchmen neglecting their duty, liable to like punishment. Officer neglecting to execute any orders concerning quarentine, shall forfeit his office, and 100l. Goods, &c. specified in orders concerning quarentine, being imported, shall be liable to such orders. The King in council may order ships coming from infected places, or laden with goods from such places, or having on board any infected person, to be burnt. On proof made on oath of the master, &c. that any ship has performed quarentine, and certificate thereof, such ship shall not be liable to any further restraint on the same account. 1s. each for such oath and certificate. After quarentine, goods, &c. shall be opened and aired as his Majesty shall direct; and on proof thereof such goods, &c. shall be discharged. In times of infection the King may by proclamation prohibit vessels under the burthen of 20 tons from sailing out of any port in Great Britain, &c. till the master has given 500l. security, that such vessel shall not go to any country, &c. mentioned in such proclamation, &c. Persons buying goods clandestinely imported to forfeit 10l. Proclamations concerning quarentine, &c. to be read in churches.

This act to commence from 10 Feb. 1720, and continue for three years, &c.
8 Geo. 2. c. 3.
After the said 10 Feb. 1720. the act 9 Ann. c. 2. repealed.

XXII. And it is hereby enacted, That this act, and the several clauses and provisions therein contained, shall commence and take effect from and after the tenth day of *February* in the year of our Lord one thousand seven hundred and twenty, and shall continue in force for the space of three years, and from thence to the end of the then next session of parliament; and from and after the said tenth day of *February* one thousand seven hundred and twenty the aforesaid act made in the ninth year of the reign of her late majesty Queen *Anne*, intituled, *An act to oblige ships coming from places infected more effectually to perform quarentine*, (as to all matters and things to arise or be done from and after the said tenth day of *February* one thousand seven hundred and twenty) shall be and stand absolutely repealed.

The watches to be kept at the charge of the county, and quarter-sessions to raise the monies as for county gaols, &c. To be paid to the chief constable of the division, and to be distributed by him. Officer, &c. permitting any person, goods, &c. to depart or be conveyed out of any place infected, &c. shall suffer death. Persons aggrieved by the judgment of any justice, may appeal to quarter-sessions, who shall finally determine; and if they give judgment against the appellant, may order him to pay costs. No attainder by this act shall work any corruption of blood, &c.

CAP. IV.

An act for granting an aid to his Majesty by a land-tax to be raised in Great Britain, for the service of the year one thousand seven hundred twenty one. 3s. in the pound. EXP. See cap. 20. sect. 39.

CAP.

CAP. V.

An act to enable the South-Sea company to ingraft part of their capital stock and fund into the stock and fund of the bank of England, and another part thereof into the stock and fund of the East-India company; and for giving further time for payments to be made by the said South-Sea company to the use of the publick.

MAY it please your most excellent Majesty, Whereas the capital or joint stock of the corporation, called by the name of the governor and company of merchants of Great Britain trading to the South-Seas and other parts of America, and for encouraging the fishery, did, at the time of making the act of parliament of the sixth year of your Majesty's reign, intituled, An act for enabling the South-Sea company to increase their present capital stock and fund by redeeming such publick debts and incumbrances as are therein mentioned; and for raising money to be applied for lessening several of the publick debts and incumbrances; and for calling in the present exchequer-bills remaining uncanceled; and for making forth new bills in lieu thereof, to be circulated and exchanged upon demand at or near the exchequer, by computation amount in the whole to eleven millions seven hundred forty six thousand eight hundred forty four pounds eight shillings and ten pence, or thereabouts. And whereas it hath been represented unto us, your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament assembled, That by virtue and in pursuance of the said act several annuities, debts and incumbrances have been subscribed and redeemed, or taken in, which (being computed at the respective values in and by the said act prescribed) will make in the whole twenty six millions fifty five thousand seven hundred and seventy four pounds five shillings and two pence, or thereabouts, to be added to the said capital or joint stock; and that both the said sums will make the increased capital or joint stock of the said corporation (which is commonly called the South-Sea company) to amount in the whole to thirty seven millions eight hundred and two thousand six hundred and eighteen pounds fourteen shillings, or thereabouts: and that in respect of several of the said sums comprehended in the said increased capital or joint stock, the said corporation is and will be entitled to several annuities or yearly funds, after the rate of five pounds per centum per annum, to be paid and payable at the receipt of your Majesty's exchequer by weekly or other payments, out of several duties, revenues and other provisions settled by the said act for that purpose, until and for the feast of the nativity of Saint John Baptist which shall be in the year of our Lord one thousand seven hundred and twenty seven; and afterwards at the rate of four pounds per centum per annum, until the redemption thereof according to the said act: and that in respect of several other of the said sums comprehended in the said increased capital or joint stock, the said corporation is and will be entitled

6 Geo. 1. c. 4.

Farther provisions concerning this act,

7 Geo. 1. stat. 2.

8 Geo. 1. c. 20.

titled to several annuities or yearly funds, after the rate of four pounds per centum per annum, to be paid and payable at the said receipt by weekly or other payments, out of several duties, revenues and other provisions settled by the said act for payment thereof, until and for the said feast of the nativity of Saint John Baptist one thousand seven hundred and twenty seven, and afterwards at the same rate, until the redemption thereof by parliament according to the said act; which said annuities or yearly funds so payable at the said receipt of exchequer are nevertheless liable to such charges and incumbrances, as in and by the said act are expressed or mentioned concerning the same. And whereas in and by the said act provision was made, That nine thousand three hundred ninety seven pounds nine shillings and six pence per annum, therein mentioned, and several other sums which were thereby directed to be computed and added thereunto, for charges of management, should from time to time be paid and payable to the said company in the manner thereby prescribed; as in and by the said act (relation being thereunto had) may more fully appear. And whereas the said South-Sea company, in and by a proposition agreed to in a general court of the same holden on or about the second day of January one thousand seven hundred and twenty, and since presented to us your Majesty's said dutiful and loyal subjects, have humbly offered, that a sum not exceeding nine millions of the capital stock of the said South-Sea company, together with an annuity of five pounds per centum per annum issuing from the exchequer, and payable weekly, be ingrafted into the capital stock of the governor and company of the bank of England, and be added to their present capital stock of five millions five hundred fifty nine thousand nine hundred ninety five pounds fourteen shillings and eight pence; and that every proprietor of the said sum so to be ingrafted be entitled to a share in the capital of the said governor and company of the bank of England, at the rate of one hundred and twenty pounds per centum, that is to say, for every one hundred and twenty pounds in the said sum not exceeding nine millions to be ingrafted, each proprietor to have one hundred pounds stock in the bank; that the remaining twenty pounds per centum, part of the said sum not exceeding nine millions, (which, if the whole be ingrafted, would make one million and an half) be reserved for the common benefit and advantage of the proprietors of the whole capital so increased; and that a certain sum be annually allowed to the governor and company of the bank of England towards their charges of management: and the said South-Sea company in the said proposition have also humbly offered, that a sum not exceeding nine millions of the capital stock of the said South-Sea company, together with an annuity of five pounds per centum per annum issuing from the exchequer, and payable weekly, be ingrafted into the stock of the united company of merchants of England trading to the East Indies, and added to their present capital stock of three millions two hundred thousand pounds; and that every proprietor of the said sum so to be ingrafted into the capital of the united company of merchants of England trading to the East Indies be entitled to a share in the capital stock of the same company, at the rate of one hundred and twenty pounds per centum, that is to say, for every one hundred

hundred and twenty pounds in the last mentioned sum not exceeding nine millions so to be ingrafted, each proprietor to have one hundred pounds stock in the said East India company; and that the remaining twenty pounds per centum, part of the last mentioned sum not exceeding nine millions (which, if the whole be ingrafted, will make one million and an half) be disposed and distributed in the manner therein mentioned; and that a certain sum be annually allowed to the said East India company towards their charges of management. And whereas the said governor and company of the bank of England, in and by a proposition agreed to in a general court of that corporation holden on or about the twenty ninth day of December one thousand seven hundred and twenty, and since presented to us your Majesty's said dutiful and loyal subjects, have declared their willingness to admit, that nine millions of the capital of the South Sea company, together with an annuity of five pounds per centum per annum issuing from the exchequer, payable weekly, and free from all incumbrances, be ingrafted into the capital stock of the bank of England, and be added into their present capital stock of five millions five hundred fifty nine thousand ninety five pounds fourteen shillings and eight pence; and that every proprietor of the same sums so to be ingrafted be entitled to a share in the capital of the bank of England, at the rate of one hundred and twenty pounds per centum, that is to say, for every one hundred and twenty pounds in the same sum so to be ingrafted, each proprietor to have one hundred pounds stock in the bank; the remaining twenty pounds per centum, part of the same sum not exceeding nine millions (which, if the whole be ingrafted, would make one million and an half) to be reserved for the common benefit and advantage of the proprietors of the whole capital so increased; and that a certain sum be annually allowed to the said governor and company of the bank of England towards their charges of management. And whereas the said united company of merchants of England trading to the East Indies, in and by a proposition agreed to in a general court of that corporation holden on or about the third day of January one thousand seven hundred and twenty, and since presented to us your Majesty's said dutiful and loyal subjects, have declared their willingness to admit, that a sum not exceeding nine millions of the capital of the said South Sea company, together with an annuity of five pounds per centum per annum issuing from the exchequer, payable weekly, and free from all incumbrances, be ingrafted into the stock of the said East India company, and added to their present capital stock of three millions two hundred thousand pounds; and that every proprietor of the same sum so to be ingrafted be entitled to a share in the capital stock of the said East India company, at the rate of one hundred and twenty pounds per centum, that is to say, for every one hundred and twenty pounds in the same sums so to be ingrafted, each proprietor to have one hundred pounds stock in the East India company; the remaining twenty pounds per centum, part of the same sum not exceeding nine millions (which, if the whole be ingrafted, would make one million and an half) to be disposed and distributed in manner following, that is to say, six hundred and forty thousand pounds thereof, being after the rate of twenty pounds per centum,

upon the said sum of three millions two hundred thousand pounds, to the then proprietors of the same capital of three millions two hundred thousand pounds: and the remainder of the said twenty pounds per centum to and for the common benefit and advantage of all the proprietors of the whole capital of the said East India company so increased, which remainder (if the whole nine millions be ingrafted) will amount to eight hundred and sixty thousand pounds; and that a certain sum be annually allowed to the said East India company towards their charges of management. And whereas it is judged, that an ingraftment of part of the capital of the South Sea company into the capitals of the bank of England and the East India company, pursuant to the said several proposals of the said respective companies, will contribute very much to the restoring and establishing publick credit: we your Majesty's said dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do most humbly beseech your Majesty, That it may enacted, &c. EXP.

Between 24 June and 25 Dec. 1721, South Sea company may, under their common seal, and at their own charges, transfer to the bank such share of their capital stock at 5l. per cent. as shall be agreed on between them, together with so much of their annuities, as shall bear proportion to the stock transferred, not exceeding 9,000,000l. The shares so transferred shall be added to the capital stock of the bank. South Sea company may, between the same times, also transfer to the East India company such share of their capital stock at 5l. per cent. as shall be agreed upon between them, together with so much of their annuities, as shall bear proportion to the stock transferred, not exceeding 9,000,000l. The shares so transferred shall be added to the capital stock of the East India company. After such transfers, the two companies shall lawfully enjoy their respective shares in stock. South Sea company may enjoy their whole capital stock, &c. till the transfers be made, and afterwards may hold all their unassigned stock, &c. till redemption by parliament. South Sea company may hold 9397l. 9s. 6d. per annum for charge of management, till a transfer of part of their capital stock, and afterwards the two companies shall receive a proportional part thereof for charges of management. Annuities payable quarterly at 5l. per cent. till the twenty fourth of June 1727, and afterwards at 4l. per cent. All persons entitled to any shares in the South Sea company at the time of transferring, shall have a proportional share in the stock transferred to the bank, &c. The same for shares transferred to the East India company, &c. Unsigned shares in the South Sea company may be transferred in the books of the company, or devised by will, as formerly. Members of the bank may transfer or devise their increased stock, as formerly. And also the members of the East India company. All privileges, &c. founded upon former acts or charters, continued, &c.

XXIII. Provided always, and it is hereby enacted by the authority aforesaid, That at any time after the feast of the nativity of Saint John Baptist which shall be in the year of our Lord one thousand seven hundred and twenty seven, upon repayment by parliament to the said corporation, commonly called the South-Sea company, of the sum of the capital stock, or of that part of the capital stock which shall then belong to that corporation according to this act, without any deduction, defalcation or abatement whatsoever to be made out of the same sum, or any part thereof; and upon payment of all arrears which shall be then due at the respective rates aforesaid, or either of them, for or upon their then annuities or yearly funds payable in respect

After 24 June 1727. on repayment to the South-Sea company of their capital stock, &c. their annuities to cease.

spekt thereof; and upon payment of all arrears of the said yearly sums, or of such proportions thereof as shall be payable to them for charges of management; all which arrears (if any such be) shall be computed and paid to the quarterly feast day then next preceding, and from thence shall be computed and paid by the day, till the time of such full payment of their capital sum; then the same annuities or yearly funds, and the yearly sums to be allowed to them for charges of management as aforesaid, and every of them, shall from thenceforth cease and determine; any thing herein contained to the contrary notwithstanding.

After 24 June 1727, on repayment to the bank of the whole sum transferred from the South Sea company, &c. the yearly funds, &c. to cease. The same clause for the East India company.

XXVI. *And in regard it is intended, That at any time or times after the said feast of the nativity of Saint John Baptist one thousand seven hundred and twenty seven the principal or sum total of the capital stock, or so much thereof as shall then belong to the said South-Sea company, may be satisfied to them by any payments (not being less than five hundred thousand pounds of lawful money of Great Britain at a time) and that as the same principal monies shall be paid off, the annuities or yearly funds of the said South-Sea company payable in respect thereof, shall from time to time proportionably sink and be abated:* be it therefore further provided and enacted by the authority aforesaid, That at any time or times after the said feast of the nativity of Saint John Baptist one thousand seven hundred and twenty seven, upon repayment by parliament to the said South-Sea company of any sum or sums of money (not being less than five hundred thousand pounds at a time) in part of the principal monies of the said capital stock which shall then belong to the said South-Sea company; and upon payment of all arrears then due to them at the respective rates aforesaid, for or upon their said annuities or yearly funds, or so much of those arrears as shall bear a proportion to their principal sums, from time to time, remaining unsatisfied, being computed by the day, until the time of every such payment of part of the principal respectively; and upon payment of all arrears then due for or upon the said yearly sums, or their part of the said yearly sums for charges of management; then from and after every such payment so made to the said South-Sea company, so much of their said annuities or yearly funds, as shall bear proportion to the monies so paid in part of the said principal, shall cease, determine, and be abated; any thing in this or any former act or acts of parliament contained, or other matter or thing whatsoever to the contrary notwithstanding.

After 24 June 1727, on repayment to the South-Sea company of any sum not less than 500,000l. at a time, a proportional part of their annuities shall cease.

And on repayment to the bank of any sum not less than 250,000l. at a time, a proportional part of their annuities to cease. The like clause for the East-India company. After such redemption the duties applicable thereto shall be understood to be redeemed by parliament. Bank to continue a corporation till all the shares transferred to them by the South-Sea company be redeemed. After the ingraftments, shares not exceeding 100l.

in the whole, may be transferred without stamp or other charges for such transfers.

XXXII. And it is hereby enacted by the authority aforesaid, That it shall and may be lawful to and for the said united company of merchants of *England* trading to the *East Indies*, and their successors, and they are hereby enabled from time to time, or at any time or times to their own good-liking, to borrow or take up money upon any contracts, bonds, bills or obligations under their common seal for carrying on their trade, or for lending or advancing money by way of bottomry, as is herein after prescribed, so as by the monies already borrowed by them, and by the monies which they shall hereafter borrow pursuant to this act, the whole sum which they shall owe at any one time do not exceed the sum due at that time from the publick to the said company, or the sum of five millions of pounds sterling in the whole.

East India company may take up monies on their common seal, &c. not exceeding the sum due from the publick to them.

XXXIII. And it is hereby provided and enacted by the authority aforesaid, That it shall not be lawful to or for the same united company, or their successors, to borrow, owe or give security for any sum or sums of money, on credit of their capital stock or yearly fund, or upon any increase thereof to be made in pursuance of this act, or any part thereof; and that it shall not be lawful to or for the same united company, or their successors, to borrow, owe or give security for any other or greater sum or sums of money, than such as shall be really and *bona fide* expended and laid out in and for the buying of goods, bullion or commodities to be exported for the proper account of the same company, or shall be otherwise employed in their trade, or shall be really and *bona fide* advanced or lent on the bottom of any ship or vessel, ships or vessels, or on goods or merchandizes on board any ship or vessel, ships or vessels, of the same united company, or that is, are or shall be employed in the service of the same united company, to any captains or commanders, agent, sailors, servants or other person or persons, which shall at any time or times be employed in the service of the same united company; all which sum or sums of money so to be borrowed for the purposes aforesaid, or any of them, shall be borrowed only on their common seal, and shall not be made payable or be *bona fide* agreed to be paid on demand, or at any time less than six months from the time of borrowing thereof; and that it shall not be lawful for the said united company of merchants of *England* trading to the *East-Indies*, or their successors, to discount any bills of exchange, or other bills or notes whatsoever, or to keep any books or cash of or for any person or persons, bodies politick or corporate whatsoever, other than only the proper monies and cash of the same united company; any thing in this act contained to the contrary notwithstanding.

East-India company may not borrow money on credit of their capital stock, nor for a greater sum than shall be employed in their trade, &c.

and may not discount bills, or keep cash for others.

XXXIV. And whereas in and by the said act of the sixth year of his Majesty's reign it was enacted, That the said corporation of the governor and company of merchants of Great Britain, commonly called the South-Sea company, should pay into the receipt of his Majesty's

exche-

exchequer the sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, by such proportions and at such times as are thereby appointed for the payment thereof, and such further sums to be computed after the rate of four years and an half's purchase, and such further sums to be computed after the rate of one year's purchase, as are therein mentioned, by quarterly payments at such feast-days as were thereby limited for the payment thereof; and in case any failure in payment should be made of the said sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, or of the said sums to be paid after the rate of four years and an half's purchase, or after the rate of one year's purchase, or any of them, or any part thereof, a remedy is by the said act provided for recovery of the money, whereof such failure in payment should be made, with damages after the rate of five pounds per centum per annum, and the same corporation, and their stock and fund, were thereby made subject and liable thereunto: and it was thereby provided, enacted and declared, That the said sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, and the said several sums to be paid after the said rates of four years and an half's purchase, and one year's purchase, and every of them, and every part thereof, as fast as the same should be paid into the same receipt, should be applied in manner following, (that is to say) That out of the first monies arising of or for the said several sums so to be paid into the said receipt, every or any of them, such publick debts and incumbrances, carrying interest or annuities after the rate of five pounds per centum per annum, or more, incurred before the twenty fifth of December one thousand seven hundred and sixteen, founded upon any former act or acts of parliament in that behalf (not being part of the capital stock or fund of the said South-Sea company) as were then redeemable, or might be redeemed at any time or times on or before the twenty fifth of December one thousand seven hundred and twenty two, should be redeemed and paid off in the first place; and that after the same should be redeemed and paid off, or money sufficient should be reserved in the exchequer for redeeming and paying off the same, according to the true meaning of that act, then all the rest, residue and remainder of the said sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, and of the said sums to be computed after the said several rates of four years and an half's purchase, and one year's purchase, and of every of them, and of every part thereof, and as the same residues and remainders, from time to time, should grow due from the said South-Sea company, and as the same should or ought to be paid into the said receipt of exchequer, should be applied for or towards paying off so much of the capital stock and increased capital stock of the same South-Sea company, as should then carry annuities after the rate of five pounds per centum per annum; and that upon every such payment or reserving money as aforesaid, to make such payment to the said South-Sea company, a proportional part of their annuities or yearly fund, or of their annuities or yearly fund to be increased by that act, for which that rate is or should be payable, should

South-Sea company to pay into the exchequer 4,156,306l. 4s. 11d. and further sums to be computed at 4 years and an half's purchase, and 1 year's purchase.

Discharged by 7 Geo. 1. stat. 2. 9 Geo. 1. c. 6.

Times of payment,

And their stock and funds are made liable to the payment.

On default of payment the exchequer may stop their weekly payments, &c.

should cease and determine, as by the same act (relation being thereunto had) may more fully appear: now it is by this present act provided, declared and enacted by the authority aforesaid, That the said corporation of the South-Sea company shall pay, and be obliged, by force and virtue of this act (as well before as after the making any assignment or assignments, in pursuance of this act, to the said governor and company of the bank of England, and the said East-India company, or either of them) to pay into the receipt of his Majesty's exchequer the said sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, and the said sums after the rates of four years and an half's purchase, and one year's purchase; and that the same shall be payable by such proportions, and at or by such respective days or times of payment, as in and by this present act are limited and appointed for the payment thereof, and not otherwise; that is to say, one full and equal fourth part of the respective sums so payable shall be paid on or before the feast of the annunciation of the Blessed Virgin Mary which shall be in the year of our Lord one thousand seven hundred and twenty two; one other full and equal fourth part thereof on or before the feast of the nativity of Saint John Baptist which shall be in the year of our Lord one thousand seven hundred and twenty two; one other full and equal fourth part thereof on or before the feast of Saint Michael the Archangel which shall be in the year of our Lord one thousand seven hundred and twenty two; and the remaining full and equal fourth part of the said respective sums so payable on or before the feast of the birth of our Lord Christ which shall be in the said year of our Lord one thousand seven hundred and twenty two; in full payment and satisfaction as well of the said sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, as of the said several sums to be paid after the said rates of four years and an half's purchase, and one year's purchase respectively; and that the said South-Sea company, and their stock and funds (except such part thereof as shall be assigned to the said governor and company of the bank of England and East-India company, or either of them, pursuant to this act) are and shall be subject and liable to the payment of the said several sums at or before the said respective days and times by this act appointed for the payment thereof, without any deduction, defalcation or abatement whatsoever; any thing in the said former act contained to the contrary notwithstanding.

XXXV. And be it further enacted by the authority aforesaid, That in case default shall be made by the said South-Sea company in the payment of all or any part or parcel, parts or parcels of the said several sums of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, and of the said sums to be paid after the rate of four years and an half's purchase and one year's purchase, or any of them, at the respective days or times by this act limited for the payment thereof; then the commissioners of the treasury, or any three

three or more of them, or the high treasurer for the time being, or the officers of the exchequer for the time being, shall, and they respectively are hereby authorized, enjoined and required to cause the money whereof such default in payment shall be made, with interest for the same, after the rate of five pounds *per centum per annum* (such interest to be computed upon the monies whereof such failure in payment shall be made, from the respective days and times on which the same ought to have been so paid, until satisfaction of the principal) to be stopt out of the monies which, weekly or otherwise, shall be payable to the said corporation of the *South-Sea* company at the exchequer for or upon their annuities or yearly funds (except such parts thereof as shall be assigned or transferred to the said other corporations, or either of them, as aforesaid) and to cause the principal and interest so stopt to be applied as is herein after directed in that behalf.

XXXVI. And be it further enacted by the authority aforesaid, That all the monies to be paid into the exchequer, as aforesaid, by the said *South-Sea* company, or to be stopt, as aforesaid, of or for the said sum of four millions one hundred fifty six thousand three hundred and six pounds, four shillings and eleven pence, and the said several sums to be computed after the said respective rates of four years and an half's purchase and one year's purchase, or for interest of the same, or any part thereof, and every of them, and every part thereof, as fast as the same shall be paid into the same receipt, pursuant to this act, shall be applied in manner following, (that is to say) That out of the first monies arising of or for the said several sums so to be paid or stopt, every or any of them, such publick debts and incumbrances, carrying interest or annuities after the rate of five pounds *per centum per annum*, or more, incurred before the twenty fifth day of *December* one thousand seven hundred and sixteen, founded upon any former act or acts of parliament in that behalf (not being part of the capital stock or fund of the said *South-Sea* company, or by them to be assigned or transferred, as aforesaid) as were redeemable on the said twenty fifth of *December* one thousand seven hundred and sixteen, or might be redeemed at any time or times, on or before the twenty fifth of *December* one thousand seven hundred twenty two, shall be redeemed and paid off in the first place; and that after the same shall be redeemed and paid off, or money sufficient shall be reserved in the exchequer for redeeming and paying off the same, according to the true meaning of this act, then all the rest, residue and remainder of the said sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, and of the said sums to be computed after the said several rates of four years and an half's purchase and one year's purchase, and of the monies payable for interest, as aforesaid, and of every of them, and of every part thereof, as the same residues and remainders, from time to time, shall grow due from the said *South-Sea* company, and as the same shall or ought to be paid into

into the said receipt of exchequer, shall from time to time be applied (so far as the same from time to time will extend) towards paying off and discharging so much and such parts of the capital stock which shall then belong to the said *South-Sea* company, and to the said governor and company of the bank of *England*, and to the said *East-India* company, and every or any of them respectively, as by the tenor and true meaning of this and the said former act were to carry annuities payable at the exchequer after the rate of five pounds *per centum per annum*, till the twenty fourth day of *June* one thousand seven hundred and twenty seven, and afterwards at the rate of four pounds *per centum per annum*, till redemption by parliament, and towards paying off and redeeming so much of the same annuities which shall then be payable at the exchequer in respect of the capital stock which shall be so paid off and discharged; which application of the monies last mentioned shall be made in proportion to the respective quantities of capital stock, which in pursuance of this or the said former acts shall then appear to belong to the said *South-Sea* company, and to the said bank of *England*, and to the said *East-India* company, and every of them respectively, and not otherwise; and the commissioners of the treasury, or any three or more of them, and the high treasurer for the time being, are hereby directed and authorized to cause all the monies arising of or for the said sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, and the said sums to be paid after the said rates of four years and an half's purchase, and one year's purchase, and of or for such interest, as aforesaid, and every of them, and every part thereof, to be applied in the manner and form by this present act prescribed touching and concerning the same, and not otherwise.

On every such payment a proportional part of the annuities shall cease.

XXXVII. And it is hereby enacted, That upon every such payment, or reserving such money in the exchequer to make such payment to the said *South-Sea* company, and to the said governor and company of the bank of *England*, and the said *East-India* company, every or any of them respectively, a proportional part of the annuities or yearly funds then belonging to them, and every or any of them respectively, for which the said rate of five pounds *per centum per annum* is payable, as aforesaid, and for which so much of their capital stock shall be paid off, or for which money shall be so reserved, from time to time, shall cease and determine; any thing in this or any former act or acts of parliament contained, or other matter or thing whatsoever to the contrary notwithstanding.

6 Geo. 1. c. 4. Recital of the acts about exchequer bills of the sixth of King George.

XXXVIII. And whereas by virtue of the aforesaid act of the sixth year of his Majesty's reign, certain bills, commonly called exchequer-bills, then standing out, which were therein estimated to amount to eight hundred ninety six thousand six hundred sixty two pounds and ten shillings, or thereabouts, in principal money, were appointed to be called or brought in, and to be changed for new bills, to be made forth in the method which was thereby prescribed, and in pursuance of the same act several new bills have been made forth for several sums of money,

money, whereof the principal hath not exceeded the said sum of eight hundred ninety six thousand six hundred sixty two pounds and ten shillings, adding thereunto the interest that was due upon the old bills, as by the said act was directed; and by the same act the said South-Sea company, and their successors, or their court of directors on their behalf, were enjoined, during the term of seven years, reckoned from the feast of the nativity of Saint John Baptist one thousand seven hundred and twenty, to furnish ready money for exchanging and circulating the new exchequer-bills which should be made forth by virtue of that act; and in case any other act should be made for making forth any further sum or sums in exchequer-bills to be current at any time or times within or during the said term of seven years, as is therein mentioned, then the said South-Sea company, and their successors, were by the said first mentioned act (in part before recited) enjoined and required (during so much of the said term of seven years as the bills to be made forth by such other act should have a joint currency with the bills to be made forth by the said first mentioned act) to furnish a proportional part or parts of such ready money as should be sufficient for exchanging and circulating all the bills so current, which proportional parts were to be ascertained and determined as by the same act is prescribed. And whereas by virtue of another act of the sixth year of his Majesty's reign, intituled, An act for making forth new exchequer-bills, not exceeding one million, at a certain interest, and for lending the same to the South-Sea company at an higher interest, upon security of repaying the same and such high interest into the exchequer, for uses to which the fund for lessening the publick debts, called the sinking fund, is applicable, and for circulating and exchanging upon demand, the said bills at or near the exchequer, several other new exchequer-bills, amounting to one million in principal monies, were made forth for the purpose in that act mentioned; and by the same last mentioned act the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, are enjoined and required (so long as the exchequer-bills, made forth by virtue of that act, should have a joint currency, or be current at the same times with the bills to be made forth by virtue of the said first mentioned act) to furnish out of the monies of the fund or security herein after mentioned, or out of loans to be made thereupon, a proportional part of the ready money which should be sufficient for exchanging and circulating all the bills which should be jointly current; which proportional part so to be furnished on behalf of the publick, was thereby prescribed to be so much as, together with a proportional part, which, from time to time, should or ought to be furnished by the said South-Sea company, should be sufficient to support the currency of all the said bills; and by the act last mentioned, the sum of three hundred twenty eight thousand six hundred seventy three pounds four shillings and ten pence halfpenny, then remaining in the exchequer, and in the same act particularly specified, and the monies which (from and after the application of a certain sum of five hundred and twenty thousand pounds therein also particularly specified) should arise of or for the surplusses, excesses and overplusses, commonly called the sinking fund, there-
in

Anno septimo GEORGII I. stat. 1. C. 5. [1720.

in also mentioned, are declared and enacted to be a fund or security for furnishing such proportions of ready money as are last before mentioned for or towards exchanging and circulating all the said exchequer-bills, during their joint currency. And whereas in and by the act last in part before recited, the commissioners of his Majesty's treasury were impowered to issue or cause to be issued by way of loan or advance the said bills not exceeding one million to the South-Sea company, the same corporation giving security upon their annuity or yearly fund for repayment of the principal sum so lent, with interest, within such time as by that act was limited; and the commissioners of the treasury, and high treasurer for the time being, are by that act directed and required to take especial care that upon repayment of the principal monies so to be lent, the same, with the interest or increase accruing thereupon, should be received and applied in the first place to the paying off and discharging the said exchequer-bills for one million; and that the surplus thereof, after paying off and discharging the same bills, should be placed at the receipt of exchequer, to and for the same uses to which the monies of the surplusses, excesses and overplusses, commonly called the sinking fund, are applicable; and that the said South-Sea company shall make just account of the principal so borrowed, and the interest and increase thereof, and of the repayment of the same principal, with the said interest or increase thereof, into the exchequer in manner, as aforesaid; and in default of paying the said monies, with the said interest or increase thereof, then the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, were thereby authorized and required to cause the monies so lent to be stoppt out of the monies which weekly or otherwise should be payable to the South-Sea company at the exchequer, for or upon their annuities or yearly fund, together with so much more as the interest of the said monies so unpaid shall amount unto, and to cause the principal and interest so stoppt, to be applied and placed in the exchequer, as aforesaid; as by the said several acts (herein before in part recited) relation being thereunto severally had, doth more fully appear. And whereas the said sum of five hundred and twenty thousand pounds, since the making of the act last before in part recited, is compleatly satisfied, or sufficient money is reserved in the exchequer for that purpose, and pursuant to the same act, the said exchequer-bills amounting to one million, were on the seventh day of June one thousand seven hundred and twenty (as by a certificate signed by the auditor of the receipt of the exchequer doth appear) issued by way of loan or advance to the said South-Sea company, upon a security under their common seal by an instrument or writing, bearing date the fourth day of June one thousand seven hundred and twenty, for repayment of the same in good and lawful money of Great Britain into the exchequer at Westminster at the end of one year, to be reckoned from the time of issuing the said bills, with interest after the rate of four pounds per centum per annum, as by the same instrument or writing, relation being thereunto had, may also appear: now to the end that all the exchequer-bills for the said sum of one million, and the interest thereof, may effectually be discharged out of the monies to be repaid by the same company, with the interest thereof as aforesaid, at or before

before the time herein after limited in that behalf, whereby the joint currency may cease, and the publick may be eased of the burthen and charge of contributing thereunto; and to the end the said excesses, surplusses and overplus monies, called the sinking fund, and other the publick monies aforesaid, after their being freed from the incumbrance of the exchequer-bills last mentioned, may be at liberty to be applied towards lessening or reducing the publick debts and incumbrances, according to the true intent and meaning of this present act; it is hereby provided, enacted and declared by the authority aforesaid, That the said corporation, called the *South-Sea* company, or their successors, at their own costs and charges, on or before the seventh day of *June* which shall be in the year of our Lord one thousand seven hundred twenty two (although any assignment or assignments before that time shall or shall not have been made to the said other companies, or either of them, in pursuance of this act, as aforesaid) shall well and truly repay or cause to be repaid into the said receipt of exchequer the said sum of one million, together with interest then due for the same; and that upon such repayment the monies so repaid, with the interest or increase accruing thereupon, shall be applied in the first place to the paying off and discharging the said exchequer-bills amounting to one million, with such interest as shall be due thereupon; and that the surplus thereof, after paying off and discharging the bills last mentioned, shall be placed and applied to the same uses to which the monies of the said sinking fund are to be applied; and that an account of the monies so borrowed and repaid, and of the interest thereof, shall be made, as by the said former act was prescribed; and in default of repaying the said sum of one million, with the interest or increase thereof, according to this act, then the annuity and annuities which shall be then payable at the receipt of the exchequer to the said *South-Sea* company (except so much thereof as in the mean time shall or may have been assigned or transferred to the said other companies, or either of them, as aforesaid) shall and may be stopt by the commissioners of the treasury, or any three of them, or by the high treasurer for the time being, or by the officers of the exchequer for the time being; and the said exchequer-bills amounting to one million shall and may be called in and cancelled by and with the monies so stopt, in the manner prescribed by the said former act in that behalf.

South-Sea company shall repay into the exchequer by 7 June 1722. 1000,000 l. with interest,

to be applied to paying off the exchequer bills, &c.

In default their annuities may be stopt.

XXXIX. And be it further enacted by the authority aforesaid, That after discharging the said exchequer-bills amounting to one million, with all the interest which shall be due thereupon, and after paying off such publick debts and incumbrances carrying interest or annuities after the rate of five pounds *per centum per annum*, or any higher interest or annuity founded upon any former act or acts of parliament in that behalf, as may be redeemed before the said feast of the nativity of Saint *John Baptist* one thousand seven hundred and twenty seven, or reserving money sufficient in the exchequer for those purposes; then

After discharging those bills, &c.

Then all the sinking fund, &c. shall be applied towards paying off part of the capital stock of the three companies, &c.

all the monies of the said sum of three hundred twenty eight thousand six hundred seventy three pounds four shillings and ten pence halfpenny, and of the said surplusses, excesses and overplus monies, commonly called the sinking fund, which then shall or ought to remain in the receipt of the exchequer, and all the said overplus (if any be) of the said interest-monies, which shall be paid by the said *South-Sea* company for the said million lent as aforesaid, shall immediately, or as soon as the monies then resting of the said sinking fund can be computed, shall be applied (so far as the same will extend) towards paying off and discharging so much and such parts of the capital stock, which shall then belong to the said *South-Sea* company, and to the said governor and company of the bank of *England*, and to the said *East-India* company, and to every or any of them respectively, as by the tenor and true meaning of this and the said former act in that behalf are to carry annuities payable at the exchequer, after the rate of five pounds *per centum per annum*, till the twentieth of *June* one thousand seven hundred and twenty-seven, and afterwards at the rate of four pounds *per centum per annum*, till redemption by parliament, and towards paying off and redeeming so much of the same annuities which shall then be payable at the exchequer, in respect of the capital stock which shall be so paid off and discharged; which application of the monies last mentioned shall be made in proportion to the respective quantities of capital stock, which in pursuance of this and the said former acts shall then appear to belong to the said *South-Sea* company, and to the said bank of *England*, and to the said *East-India* company, and every of them respectively, and not otherwise.

All the monies of the sinking fund before 24 June 1720, shall be applied by even sums of 100,000 l. for discharging part of the capital stock of the said companies,

XL. And it is hereby further enacted by the authority aforesaid, That all the monies of the said surplusses, excesses and overplus monies, commonly called the sinking fund, which after the application of so much thereof as is in and by this act before directed to be applied or reserved as aforesaid, shall arise and be brought into the exchequer, at any time or times before the said feast of the nativity of Saint *John* the Baptist which shall be in the year of our Lord one thousand seven hundred and twenty seven, shall and may be applied, at the end of every year, so far as the same will from time to time extend, by even sums of one hundred thousand pounds at a time, for or towards paying off and discharging part of the said capital stocks of the said *South-Sea* company, and of the bank of *England*, and of the said *East-India* company respectively, in proportion to the respective quantities of the said stock which shall then belong to those corporations respectively; and upon every payment to be made in pursuance of this act to the said *South-Sea* company, and to the governor and company of the bank of *England*, and to the said *East-India* company, and every or any of them respectively, of any part of their said capital stock, a proportional part of their annuities or yearly funds, payable at the said rate of five pounds *per centum per annum*, for so much of the said capital stock as shall be so paid

and thereupon a proportional part of their annuities shall cease.

paid off from time to time, shall cease and determine: and the said commissioners of the treasury, or any three of them, and the high treasurer for the time being, are hereby directed and authorized to cause the monies of the said sum of three hundred twenty eight thousand six hundred seventy three pounds four shillings and ten pence halfpenny, and of the said surplusses, excesses and overplusses, called the sinking fund, and the said overplus of the said interest-monies, to be applied for or towards paying off the said publick debts and incumbrances, and for or towards paying off the said capital stock of the said *South-Sea* company, and (in case of such assignment or assignments as aforesaid) of the said capital stock of the said other companies, and reducing a proportional part of their annuities or yearly funds, as this act directs; any former law or statute, or any other matter or thing whatsoever, to the contrary notwithstanding.

XLI. Provided always, and it is hereby enacted, That if at any time or times hereafter provision shall be made by authority of parliament, in the lawful coins of this realm, placed in the exchequer, for paying off and discharging the said exchequer-bills for the said sum of one million, the bills themselves which shall be so paid off, or for which such coined monies shall be reserved in the exchequer, as is prescribed in the act (last in part before recited) shall be discharged therewith and cancelled, as is thereby directed: and if before the first day of *March* one thousand seven hundred and twenty one, or before the end of the session of parliament then next ensuing, coined monies shall not be raised and brought into the exchequer for discharging the bills last mentioned; then all or any of the monies which shall then remain in the exchequer, of the said sum of three hundred twenty eight thousand six hundred seventy three pounds four shillings and ten pence halfpenny (if any such be) and all the monies which from and after such session of parliament shall quarterly arise of or for the said surplusses and overplus monies, called the sinking fund, or otherwise, as is mentioned in the act last in part before recited, shall be applied for or towards discharging the said exchequer-bills amounting to one million, till they shall be all compleatly paid off and cancelled in the manner and form by the same act prescribed and intended; this present act, or any thing therein contained to the contrary notwithstanding.

Proviso for paying off and discharging the exchequer-bills.

6 Geo. 1. c. 10.

CAP. VI.

An act for punishing mutiny and desertion, and for the better payment of the army and their quarters. E X P.

CAP.

C A P. VII.

An act to preserve and encourage the woollen and silk manufactures of this kingdom, and for more effectual employing the poor, by prohibiting the use and wear of all printed, painted, stained or dyed callicoes in apparel, household stuff, furniture, or otherwise, after the twenty fifth day of December one thousand seven hundred and twenty two (except as therein is excepted).

WHEREAS it is most evident, That the wearing and using of printed, painted, stained and dyed callicoes in apparel, household stuff, furniture, and otherwise, does manifestly tend to the great detriment of the woollen and silk manufactures of this kingdom, and to the excessive increase of the poor, and if not effectually prevented, may be the utter ruin and destruction of the said manufactures, and of many thousands of your Majesty's subjects and their families, whose livelihoods do intirely depend thereupon: for remedy thereof, may it please your most excellent Majesty, That it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of December which shall be in the year of our Lord one thousand seven hundred and twenty two, it shall not be lawful for any person or persons whatsoever to use or wear in *Great Britain*, in any garment or apparel whatsoever, any printed, painted, stained or dyed callico, under the penalty of forfeiting to the informer the sum of five pounds of lawful money of *Great Britain* for every such offence, being lawfully convicted thereof by the oath or oaths of one or more credible witness or witnesses before any one or more justice or justices of the peace; which justice or justices is and are hereby respectively authorized and strictly enjoined and required, upon any complaint or information upon oath exhibited or brought of any such offence committed, contrary to this act, within six days after commitment thereof, to summon the party accused, and upon his or her appearance or contempt to proceed to examination of the matter of fact, and upon due proof made thereof, either by voluntary confession of the party, or by the oath or oaths of one or more credible witness or witnesses (which oath or oaths the said justice or justices is and are hereby respectively empowered and required to administer) to hear and determine the same, and upon such conviction to cause the said penalty, by warrant under his or their hand and seal, or hands and seals respectively, to be levied by distress and sale of the offender's goods and chattels, rendering to the party the overplus (the charge of such distress and sale being first deducted;) nevertheless it shall be lawful for any party aggrieved to appeal to the justices of the peace at the next general quarter-sessions to be holden for the county, city, riding or place where the said offence or offences shall have been committed, giving

After 25 Dec. 1722, none shall wear in Great Britain any garment of printed, &c. callico, under the penalty of 5 l. to the informer, on conviction before a justice, and complaint within six days after offence committed.

Appeal to sessions, whose judgment shall be final.

giving six days notice at the least of such appeal to the prosecutor or prosecutors; which justices at such general quarter-sessions are hereby authorized and empowered to hear and determine the same, and their judgment therein shall be final.

II. And be it further enacted by the authority aforesaid, That if any mercer, draper, upholder, or any other person or persons or corporation whatsoever, shall at any time or times after the said twenty fifth day of *December* one thousand seven hundred and twenty two, sell, utter or expose to sale any printed, painted, stained or dyed callico, or any bed, chair, cushion, window-curtain or other household stuff or furniture whatsoever, made up of or mixed with any printed, painted, stained or dyed callico, unless for exportation thereof, and unless the same shall be cleared outwards accordingly, as is usual in case of sale for exportation, every such person or corporation so offending shall for every offence, being lawfully convicted thereof, forfeit and pay the sum of twenty pounds of lawful money of *Great Britain*, to be recovered as is herein after directed; and every steward or other officer of such corporation, or his deputy, offending herein, and being lawfully convicted of such offence, shall, over and besides the forfeiture or penalty aforesaid, forfeit and lose his office and employment and be incapable to hold the same.

After the said 25 Dec. mercer, &c. selling any printed, &c. callico, or any bed, &c. made thereof, unless for exportation, shall forfeit 20 l.

and officer of a corporation offending shall moreover lose his office.

III. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of *December* one thousand seven hundred and twenty two, it shall not be lawful for any person or persons to use or wear in *Great Britain*, in or about any bed, chair, cushion, window-curtain or any other sort of household stuff or furniture, any printed, painted, stained or dyed callico (except as herein after is excepted) under the penalty of forfeiting (being thereof lawfully convicted) the sum of twenty pounds of lawful money of *Great Britain*, to be recovered as herein after is directed.

No such callico to be used in any bed, chair, &c. on pain of 20 l.

IV. And be it further enacted by the authority aforesaid, That one moiety of all pecuniary penalties and forfeitures imposed by this act, where the same shall exceed five pounds, shall be to the informer or prosecutor, and the other moiety to the poor of the parish or place where the offence shall be committed; and such penalties as are not herein directed to be otherwise recovered, shall be recovered by action of debt, bill, plaint or information in any of his Majesty's courts of record at *Westminster*, for offences committed in *England, Wales* or *Berwick upon Tweed*, or in his Majesty's court of session, court of justiciary, or court of exchequer in *Scotland*, for offences committed in that part of *Great Britain*, together with full costs of suit, by any person or persons who shall sue for the same within six calendar months next after the offence committed; and that in any such action or suit no essoin, protection, privilege or wager of law shall be allowed, nor any more than one imparlance.

How the forfeitures shall be applied and recovered.

V. And be it enacted by the authority aforesaid, That if it shall appear, that any person convicted of any offence against this act shall be sheltered or protected, or doth or shall reside or inhabit any pretended

Persons convicted may be taken out of habit any pretended

privilege place by warrant of any of the judges in England, or of the lords of session, &c. in Scotland, and committed to common gaol till payment of the forfeitures.

Not to extend to callicoes made up in any bed, &c. before Dec. 25, 1722.

Nor to repeal, &c. any law for prohibiting callicoes printed in foreign parts.

Exporters of callicoes before the said 25 Dec. entitled to the same allowances as if exported in 12 months after importation.

General issue.

Treble costs.

The like penalties for wearing or using in apparel or household stuff, any stuff made of or

habit in any pretended privilege place whatsoever, every such offender shall and may be taken from thence by warrant under the hand and seal of any of his Majesty's justices of the court of King's bench, common pleas or barons of the exchequer, in *England, Wales or Berwick upon Tweed*, or by warrant under the hand and seal of any of the lords of session, judges of the court of justiciary or barons of the exchequer, in *Scotland*; and shall be by any such justice, lord of session, judge or baron committed to the common gaol of the county or place where the offence was committed, there to remain without bail or mainprize, till payment and satisfaction of all penalties and forfeitures imposed by this act, with full costs.

VI. Provided always, and it is hereby further enacted by the authority aforesaid, That this act, or any thing therein contained, shall not extend or be construed to extend in any wise to any callicoes which have already been, or which before the said twenty fifth day of *December* one thousand seven hundred and twenty two shall be made up or used in any bed, chair, cushion, window-curtain or other sort of household stuff or furniture: provided the same be continued to be worn and used in such household stuff or furniture, and not otherwise.

VII. Provided also, That nothing in this act contained shall extend or be construed to extend to repeal, make void or alter any law now in force for prohibiting callicoes printed, painted, dyed or stained in foreign parts, or for prohibiting any other goods or manufactures whatsoever.

VIII. Provided also, and be it enacted and declared by the authority aforesaid, That all persons and bodies corporate who shall, on or before the said twenty fifth day of *December* one thousand seven hundred and twenty two, export any callicoes, shall be entitled to and have such and the same allowances and advantages upon the exportation thereof, as fully as if the same had been exported within twelve months after the importation thereof; any law, usage or custom to the contrary notwithstanding.

IX. And be it further enacted by the authority aforesaid, That if any person or persons shall be sued or prosecuted for any thing done or to be done, in pursuance of this act, such person or persons may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff or plaintiffs, prosecutor or prosecutors, shall become nonsuit, or forbear prosecution, or suffer discontinuance; or if a verdict pass against him, her or them, the defendant or defendants shall have treble costs, and shall have the like remedy for the same, as in any case where costs are by law given to defendants.

X. And be it further enacted by the authority aforesaid, That the prohibition of callicoes intended by this act, and the penalties thereby inflicted for wearing or using printed, painted, stained or dyed callico in apparel, household stuff or furniture, after the twenty fifth day of *December* one thousand seven hundred and twenty two, contrary to this act, shall respectively extend to prohibit,

hibit, and shall be levied and recovered for wearing or using in apparel, household stuff or furniture, after the said twenty fifth day of *December* one thousand seven hundred and twenty two, any stuff made of cotton or mixt therewith, which shall be printed or painted with any colour or colours, or any callico chequered or striped, or any callico stitched or flowered in foreign parts with any colour or colours, or with coloured flowers made there (muslins, neckcloths and fustians excepted) in such manner as the penalties inflicted by this act for wearing or using printed, painted, stained or dyed callico in apparel, household stuff or furniture after the said twenty fifth day of *December* one thousand seven hundred and twenty two, contrary to this act, are to be levied or recovered; but under such limitations, and with such liberties, privileges and advantages as are mentioned and expressed in this act, or in any other act or acts of parliament now in force relating thereto or relating to printed, painted, stained or dyed callico.

mixt with cotton printed, &c. except muslins, &c. 9 Geo. 2. c. 4.

XI. Provided, That nothing in this act contained shall extend or be construed to extend to such callico as shall be dyed all blue.

Not to extend to callico dyed all blue.

CAP. VIII.

An act for enlarging the time for making the river Kennet navigable from Reading to Newbury in the county of Berks.

The time for making the Kennet navigable enlarged from June 1, 1721, to June 1, 1723, with all the powers, &c. in the recited act. If the undertakers shall not have finished their undertaking by June 1, 1723, the commissioners may appoint others, who shall have the same powers, &c. and the powers, &c. of the former undertakers to cease. The undertakers to make the river navigable from the wharf in Reading to the hospital in Newbury.

3 Geo. 2. c. 35.

CAP. IX.

An act for the better preservation of the harbour of Rye in the county of Suffex.

No new walls, banks, &c. shall be set up to hinder the flux and reflux of the sea, between the mouth of Rye harbour and New Shut near Craven Sluce. Such new erected walls, &c. declared publick nuisances, and may be prosecuted as such. Action shall be laid in the county where the matter arises, and defendant may plead the general issue, &c.

CAP. X.

An act for making the river Weaver navigable from Frodsham-Bridge to Winsford-Bridge in the county of Chester.

Undertakers and trustees appointed for making the river Weaver navigable from Frodsham-Bridge to Winsford-Bridge. Powers given to the undertakers. Undertakers to give satisfaction to the owners of lands, mills, &c. Commissioners appointed for determining differences between the undertakers and proprietors or occupiers of lands, wears, mills, &c. Persons dissatisfied with the determination of the commissioners, or declining such mediation, or who, on convenient notice, shall refuse to treat with the undertakers, or shall not, or cannot agree, the commissioners shall issue their warrant for the impanelling of a jury, to the sheriff or coroners of Chester, who shall return a jury accordingly, on forfeiture of 50l. Commissioners may summon witnesses, and order the jury to view the places in question. Juries to enquire of and assess damages. Commissioners to give judgment for the sums so assessed. None shall act as a commissioner who has not

100l. per annum, or in any ways concerned. Undertakers may demand 1s. 3d. per tun for all goods, &c. carried on the river, till the charges of making it navigable be satisfied; and after 1s. only per tun. Masters of boats, &c. answerable for any mischief done by their boats or crew. Owners, &c. of lands may use pleasure boats without paying any duty. The river shall be free for all the King's subjects, paying the duty. Saving of all royalties of fishing and fowling. Manure, &c. not to pay duties. Undertakers may make Witton Brook navigable, so as they do not prejudice Witton-Mills. Commissioners to meet yearly to take and examine the undertakers accounts, and their allowance shall be a sufficient discharge. After the work shall be finished, and all payments satisfied, the produce of the duties to be employed in repairing publick bridges, &c. So much of the clear produce as justices in session shall think fit, shall be employed in mending the highways near the river. The surplus to be employed in amending the highways in the county. Number of undertakers, in case of death, &c. to be supplied by the commissioners. Undertakers not having made the river navigable in ten years, from June 24, 1721, the commissioners may appoint others.

C A P. XI.

An act for finishing and adorning the new chapel, called Saint George's chapel, in Great Yarmouth in the county of Norfolk, and for enlightening the streets of the said town, by a duty or imposition on coals, culm and cinders to be landed and consumed there.

Saint George's chapel in Yarmouth shall be completed. Lights placed in the town, and such provision made for the ministers, as the mayor, &c. shall direct. Ministers to be licensed by the bishop of Norwich, and nominated by the mayor, &c. After 25 March 1721, a duty of 2s. per chaldier for all coals, &c. unladed at Yarmouth, shall be paid by the master of the vessel to such persons as the mayor, &c. shall direct, for the space of 35 years; and from thence 1s. per chaldier for ever. The mayor, &c. may nominate collectors, and remove them at pleasure. Coals, &c. landed at Yarmouth, and afterwards carried into Norfolk, Suffolk, or the city of Norwich, collector shall repay the duties. Collectors to pay 1s. 4d. per chaldier of cinders made of coals that have paid the duty. The money borrowed to be applied to the uses in the act. After the money borrowed is repaid, the mayor, &c. shall apply the overplus for the publick benefit of the town. The town of Yarmouth shall continue but one parish, and the churchwardens to have the said powers relating to the new chapel as to the parish church. The mayor, &c. may allow a drawback for coals used in making of salt. After 25 March 1721, the act 12 Ann. Stat. 2. c. 1. a private act, shall cease.

C A P. XII.

An act for imploying the manufacturers and encouraging the consumption of raw silk and mohair yarn, by prohibiting the wearing of buttons and button-holes made of cloth, serge or other stuffs.

8 Ann. c. 6.

WHEREAS by an act made in the eighth year of the reign of her late Majesty Queen Anne, intituled, An act for imploying the manufacturers by encouraging the consumption of raw silk and mohair yarn, suggesting therein, amongst other things, That the maintenance of many thousands of men, women and children within this kingdom of Great Britain depends upon the making of silk, mohair yarn and thread buttons and button-holes with the needle; and that great numbers of throwsters, twisters, spinners, winders, dyers and others are employed in preparing materials of which such buttons and button-holes are made; it was provided, That from and after the
five

five and twentieth day of March one thousand seven hundred and ten no buttons or button-holes made of cloth, serge, druggel, frize, camblet or any other stuffs, should be made, set or bound on any clothes or wearing garments whatsoever, by any taylor or other person or persons whatsoever, on the forfeitures and penalties in the said act contained: and whereas for making the said recited act more effectual, another act was made in the fourth year of his present Majesty, intituled, An act for making more effectual an act made in the eighth year of the reign of the late Queen Anne, intituled, An act for employing the manufacturers by encouraging the consumption of raw silk and mohair yarn: and whereas the said several acts have not effectually answered the good ends thereby proposed, and buttons and button-holes made of cloth, serge, druggel, frizes, camblet and other the said stuffs, are still usually made, set and bound on clothes and wearing garments, to the great impoverishment of the said manufacturers of needle-work buttons and button-holes, and other the said persons employed in preparing the materials thereof, and to the excessive increase of the poor, and, if not prevented, may be the utter ruin of the said manufacturers and many thousands of your Majesty's subjects and their families, whose livelihoods do intirely depend thereupon: for remedy whereof, may it please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the nine and twentieth day of September which shall be in the year of our Lord one thousand seven hundred and twenty two, it shall not be lawful for any person or persons whatsoever, within the kingdom of Great Britain, to use or wear on any clothes, garments or apparel whatsoever any buttons or button-holes made of or bound with cloth, serge, druggel, frize, camblet, or any stuffs whereof clothes or wearing garments are usually made; and that if any person or persons whatsoever, within the kingdom of Great Britain, shall use or wear any buttons or button-holes made of or bound with cloth, serge, druggel, frize, camblet or other stuffs as aforesaid, such person or persons being thereof lawfully convicted by the oath of one or more credible witness or witnesses, or by confession of the party, in manner as is herein after mentioned, shall forfeit for every dozen of such buttons or button-holes so used or worn the sum of forty shillings, or in proportion for every lesser quantity of such buttons and button-holes; to be recovered and distributed as herein after is provided.

II. And for the more easy conviction of offenders against this act, and for the more easy recovery of the penalties and forfeitures aforesaid, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any one or more of his Majesty's justices of the peace of the county, riding, city, town or place where any offence shall be committed against this act, or where such offender shall inhabit, and such justice or justices are hereby required and enjoined, upon any complaint or

After 29 Sept. 1722, no person shall wear on any clothes buttons made of cloth, &c. on penalty of 40s. per dozen.

Conviction before one justice of peace.

- information upon the oath of one or more credible person or persons (which oath such justice or justices is and are hereby empowered and required to administer) to summon the party or parties accused, and upon his, her or their appearance or contempt to proceed to the examination of the matter of fact, and upon due proof made, either by the confession of the party, or the oath or oaths of one or more credible person or persons, of any offence committed contrary to this act, to determine the same, and convict the offender or offenders thereof; and upon conviction to cause the said penalties or forfeitures, upon the offender or offenders refusing to pay the same on demand, at such time or times as the said justice or justices shall appoint, by warrant or warrants under his or their hands and seals, to be levied by distress and sale of the goods and chattels of such offender or offenders, rendering to him, her or them the overplus, if any shall be, the charges of such distress and sale being thereout first deducted; and all and every the penalties and forfeitures under this act shall be distributed and paid in manner following, (that is to say) one moiety thereof to him, her or them, on whose oath or oaths any person or persons shall be convicted of any offence against this act, and the other moiety to the poor of the parish where such offence or offences shall be committed.
- Penalties to be levied by distresses.**
- One moiety to the informer, the other to the poor.**
- Appeal to quarter-sessions, whose judgment shall be final.**
- Prosecution in one month.**
- Not to extend to clothes of velvet.**
- General issue, &c.**
- Treble costs.**
- Publick act.**
- III. Provided nevertheless, That it shall and may be lawful to or for any party or parties aggrieved by the order, determination or warrant of such justice or justices as aforesaid, to appeal to the justices of the peace at the next general quarter-sessions to be holden for the county, riding, city or place where the said offence or offences shall have been committed, giving eight days notice at the least of such appeal to the prosecutor or prosecutors; which justices at the said sessions are hereby authorized and required to hear and determine the same, and their judgment therein shall be final.
- IV. Provided also, That all offences against this act shall be prosecuted within one month after such offence committed, and not after.
- V. Provided also, That nothing in this act contained shall extend or be construed to extend to any clothes or wearing apparel made of velvet.
- VI. Provided also, That if any action or suit shall hereafter be commenced or prosecuted against any person or persons so sued or prosecuted as aforesaid, such person or persons may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff shall become nonsuited, or forbear further prosecution, or suffer discontinuance, or a verdict to pass against him or her, or judgment upon demurrer, the defendant or defendants shall recover his, her or their treble costs, for which he, she or they shall have like remedy as in cases where costs by law are given to defendants.
- VII. And be it further enacted by the authority aforesaid, That this act shall be taken and allowed to be a publick act in all courts within this kingdom of *Great Britain*; and all judges and

and justices of the peace are hereby required to take notice thereof as such, without special pleading the same.

C A P. XIII.

An act for regulating the journeymen taylor's within the weekly bills of mortality.

WHEREAS great numbers of journeymen taylor's, in and about the cities of London and Westminster, and others, who have served apprenticeships, or been brought up in the art or mystery of a taylor, have lately departed from their services without just cause, and have entered into combinations to advance their wages to unreasonable prices, and lessen their usual hours of work, which is of evil example, and manifestly tends to the prejudice of trade, to the encouragement of idleness, and to the great increase of the poor: for remedy thereof, may it please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That all contracts, covenants or agreements in writing, or not in writing, heretofore made or entered into, or hereafter to be made or entered into, by or between any persons brought up in, or professing, using or exercising the art or mystery of a taylor, or journeyman taylor, in making up mens or womens work, in the cities of London and Westminster, or either of them, or within the weekly bills of mortality, for advancing their wages, or for lessening their usual hours of work, shall be, and are hereby declared to be illegal, null and void to all intents and purposes; and further, that if any taylor, journeyman taylor, or other person brought up in, or professing, using or exercising the art or mystery of a taylor, or journeyman taylor, within the limits aforesaid, shall at any time or times after the first day of *May* one thousand seven hundred and twenty one, keep up, continue, act in, make, enter into, sign, seal, or be knowingly interested or concerned in any contract, covenant or agreement, by this act declared to be illegal, null and void, every person or persons so offending, being lawfully convicted thereof upon the oath or oaths of one or more credible witness or witnesses before any two justices of the peace in their jurisdictions within the limits aforesaid, upon any information exhibited, or prosecution, within three months after the offence committed, (which oaths the said justices are hereby impowered and required to administer) every such offender shall, by order of such justices, at their discretion be committed, either to the house of correction, there to remain and be kept to hard labour for any time not exceeding two months, or to the common gaol, as they shall see cause, there to remain without bail or mainprize for any time not exceeding two months.

II. And for declaring, limiting and appointing the hours of work, and wages for journeymen taylor's, servants, and apprentices to taylor's, within the limits aforesaid; be it enacted by the

the authority aforesaid, That from and after the first day of *May* one thousand seven hundred and twenty one, the hours of work for all journeyman taylors, servants and apprentices to taylors, and other persons employed or to be employed, or retained as taylors, in making up mens or womens work, or such servants or apprentices within the cities of *London* and *Westminster*, or either of them, or within the weekly bills of mortality, shall be from six of the clock in the morning until eight of the clock at night; excepting only that there shall be allowed by the master one penny halfpenny a day for breakfast, and one hour for dinner, in the time aforesaid; and for the said time or hours of work aforesaid there shall be paid unto every journeyman taylor, or other person employed, or to be employed or retained as a journeyman taylor, for his work, during the hours aforesaid, the wages and sums following, (that is to say) from the five and twentieth day of *March* to the four and twentieth day of *June*, any sum not exceeding two shillings *per diem*, and for the rest of the year one shilling and eight pence *per diem*.

Taylors oblig-
ed to pay their
journeymen
after the said
rate.

III. And be it further enacted by the authority aforesaid, That in case any taylor or taylors, or other person or persons acting as such, or carrying on, using or exercising the art or mystery of a taylor within the limits aforesaid, shall hire, retain or employ any journeyman or other person, not being an apprentice, he, she or they so hiring, retaining or employing any such journeyman or other person aforesaid, (apprentices excepted) shall, and they are hereby obliged and required to pay them after the rate aforesaid, for the full time for which he, she or they so hire, retain or employ them, or agree so to do.

Wages to be
recovered by
distress, for
want whereof
the party to be
committed till
satisfaction
made.

IV. And for more easy recovering the said wages, it shall be lawful for any two justices of the peace within the limits aforesaid, and they are hereby authorized and required, upon complaint made for that purpose, to summon before them the party or parties offending, and for nonpayment of such wages, or sufficient satisfaction given for the same to the party or parties aggrieved, to issue their warrant or warrants for levying such wages due, as aforesaid, by distress and sale of the offender's goods, rendering the overplus to the owner; and for want of sufficient distress to commit the party or parties offending to the common gaol, there to remain without bail or mainprize, until he, she or they shall pay or give satisfaction to the party for the same.

Quarter-ses-
sions may al-
ter the said
wages and
hours of work
according to
circumstances
of plenty or
scarcity, &c.

V. And in regard it may be reasonable upon some occasions to alter the wages and hours of work aforesaid, be it enacted by the authority aforesaid, That it shall and may be lawful to and for the justices of the peace in their respective jurisdictions within the limits aforesaid, at their general quarter-sessions, and they are hereby authorized and required, upon application to be made to them for that purpose, to take into their consideration the plenty or scarcity of the time, and other circumstances necessarily to be considered, and to alter the wages, and hours of work aforesaid, and to order and appoint what wages and allowances shall

shall be paid or made to journeymen taylor, and servants, retained or employed, or to be retained or employed, in the art or mystery of a taylor, as aforesaid, within the limits aforesaid, and what hours they shall work, and shall make such alterations therein, from time to time, as such justices at any such general sessions shall think fit, upon application to be made to them for that purpose, and such justices shall, within the space of fourteen days next after such general sessions, cause such rates and alterations, from time to time, to be printed, published and made known, in such manner as to them shall seem meet, at the reasonable expence of any person or persons desiring the same; and from and after publication thereof, all taylor, and their journeymen, and servants, within the limits aforesaid, are hereby strictly required to observe the same, upon pain of imprisonment by such justices, for any time not exceeding two months, being lawfully convicted of such offence, after knowledge or information of any such rates or alterations thereof to be made, as aforesaid, upon any prosecution to be commenced within six days after the offence committed.

Such alterations to be printed and published; and from thence to be observed on pain of two months imprisonment.

VI. And be it further enacted by the authority aforesaid, That if any person actually retained or employed as a journeyman taylor, or servant, in the art or mystery of a taylor, as aforesaid, within the limits aforesaid, shall at any time or times after the first day of *May* one thousand seven hundred and twenty one, depart from his service before the end of the term or time for which he is or shall be hired or retained, or until the work, for which he was hired or retained, shall be finished, or not being retained or employed, shall refuse to enter into work or employment (after request made for that purpose by any master taylor, for the wages and hours limited, or to be limited and appointed, as aforesaid) unless it be for some reasonable or sufficient cause, to be allowed by two justices of the peace within the limits aforesaid; then in every such case every person so offending, being thereof lawfully convicted, as aforesaid, shall be sent to the house of correction, there to be kept to hard labour for any time not exceeding two months.

Journeyman taylor departing from his service before the end of the term, or the work finished, or refusing to enter into work, shall be sent to the house of correction for two months.

VII. And for more effectual preventing the mischiefs and inconveniencies which may happen by non-observance of this act, or by seducing or inticing any of the journeymen taylor, or servants aforesaid, from one master to another; be it enacted by the authority aforesaid, That if any taylor or other person professing, using or exercising the art or mystery of a taylor, as aforesaid, within the limits aforesaid, or any other person aforesaid, shall at any time after the first day of *May* one thousand seven hundred and twenty one, give, allow or pay any more or greater wages than as aforesaid, for the hours of work aforesaid, to any servant or journeyman, in money, or otherwise, contrary to the intent of this act, every person so offending, being thereof lawfully convicted upon any prosecution commenced within three months after the offence committed, shall forfeit and pay the sum of five pounds, one moiety where-

Taylor allowing greater wages to their journeymen shall forfeit 5 l.

Journeyman taking greater wages to be sent to the house of correction for two months. Retainers contrary to this act, void. Not to hinder the payment of greater wages for working before or after the hours limited. Appeal to quarter-sessions, who shall finally determine, and may award costs.

Persons suffering by this act shall not be otherwise punished.

of shall be to the informer or prosecutor, and the other moiety to the poor of the parish or place where the offence shall be committed; and every such servant or journeyman taking more or greater wages than as aforesaid, for the hours of work aforesaid, being thereof convicted, as aforesaid, shall be sent to the house of correction, there to be kept to hard labour for any time not exceeding two months; and all retainers, promises, obligations or securities, for any wages, pay or allowances, contrary to this act, shall be null and void.

VIII. Provided, That this act or any thing therein contained, shall not extend to hinder the paying or receiving any more or other wages or allowances, which shall be agreed upon, for working before or after the hours of work limited or appointed, or to be limited or appointed as aforesaid.

IX. Provided also, That it shall and may be lawful for any person aggrieved by any order or orders to be made by any two or more justices of the peace, as aforesaid, to appeal to the justices of the peace assembled at the next general quarter-sessions to be holden for the city, division, parish or place where such order shall be made, giving six days notice of such appeal; and such justices in such general quarter-sessions, shall finally hear and determine the matter, and shall have power to award reasonable costs to either party, as to them shall seem just.

X. Provided also, That any person convicted of any offence against this act, and who shall suffer for the same accordingly, shall not be otherwise punished, or suffer for such offence by authority of any law now in force.

CAP. XIV.

An act for continuing the duties granted by several acts made in the sixth and tenth years of her late Majesty's reign, for repairing the harbour and key of Watchett in the county of Somerset.

The duties payable by the private acts 6 Ann. c. 8. and 10 Ann. c. 24. continued for 21 years longer. This act shall not make void the duties payable by the said act for repairing the key, after the expiration of the 21 years thereby granted.

CAP. XV.

An act for making the rivers Mercy and Irwell navigable from Liverpoole to Manchester, in the county palatine of Lancaster.

Undertakers appointed for making the rivers Mercy and Irwell navigable from Liverpoole to Manchester. Undertakers may scour, enlarge or straighten the rivers, make new cuts, &c. take away trees, &c. Build bridges, sluices, &c. and alter the same; may alter bridges, turn highways, pull down mills, wears, &c. may make towing paths, &c. First giving satisfaction to the owners. Commissioners appointed for determining differences between the undertakers and proprietors. Undertakers or others dissatisfied with their determination, or persons on notice given neglecting to treat, or who through any disability cannot, or by absence, except in attending the parliament, commissioners shall issue their warrant to the sheriff of the county, for impanelling a jury. Jury to enquire of and assess damages. Commissioners to give judgment for the sums so assessed. Commissioners not to act if concerned, or have not 100 l. per annum. Undertakers shall not raise the water so as to hinder the working of corn mills, &c. Coals, &c. to pay a duty not exceeding 3 s. 4 d. per tun. Commissioners dying or refusing to act, any thirteen of the survivors may appoint others.

others. Boat master, &c. answerable for damages done by his boat or crew. The said rivers shall be esteemed navigable from Liverpoole to Manchester, and free for all the King's subjects, paying the duties. Owners of adjoining lands may use pleasure-boats. Locks shall be opened on demand for pleasure-boats, &c.

CAP. XVI.

An act for the better preserving and keeping in repair the piers of the town and port of Whitby in the county of York; and for explaining and making more effectual the several acts passed for lengthening and repairing the piers of Bridlington alias Burlington in the said county.

After 1 May 1723, the duties mentioned in the private acts 1 Ann. stat. 1. c. 19. and 7 Ann. c. 1. shall be paid to the trustees, for ever, for preserving Whitby Piers in repairs, viz. For every chalders of coals, six pence. And for every weigh of salt landed at Whitby, two shillings. And for every quarter of malt, corn and grain, four pence. And for all foreign goods imported in English bottoms, three pence per tun. And all foreign bottoms importing such goods, six pence per tun. And for all butter shipped off from Whitby, one penny per firkin. For dried fish and mud fish shipped off from Whitby, one penny per score. For barrelled fish per barrel three pence. For every English ship which shall enter within the piers, one shilling; and for every top of such ship, four pence. And all foreign ships, two shillings; and for every top, four pence. Trustees may appoint collectors, and allow them a salary, not exceeding 12 d. in the pound. Money collected to be employed in repairing the piers, &c. On extraordinary occasions, trustees may mortgage the duties, and the money borrowed to be employed in repairing the piers. Trustees dying or refusing to act, the survivors may elect others. Not above ten trustees at a time, and the lord of the manor to be one. Throwing ballast, &c. into the harbour, trustees may fine the offenders not exceeding 40s. The trustees of 5 Geo. 1. c. 19. for putting in execution the acts for lengthning and repairing the piers of Burlington, may sell the duties, or grant any annuity out of them, for the residue of the term, (subject to the repayment of 5500l. already borrowed) and the money arising by such sale or grant, to be applied towards finishing the piers.

CAP. XVII.

An act for making navigable the river Dane from Northwich, where it joins to the river Weaver, to the falling in of Wheelock-Brook, and Wheelock-Brook up to Wheelock-Bridge in the county of Chester.

Undertakers and trustees appointed for making the river Daven and Wheelock-Brook navigable from Northwich to Wheelock-Bridge. Undertakers may clear, enlarge, &c. the river, and make new cuts, &c. in any persons grounds. First giving satisfaction to the owners. Commissioners appointed for settling differences between the undertakers and proprietors. Undertakers or others dissatisfied with such determination, or persons having ten days notice, and refusing to treat with the undertakers, or who through any disability cannot, the commissioners shall issue their warrant to the sheriff of Chester for returning a jury. May order the jury to view the place. Jury to enquire of and assess the damages. Commissioners to give judgment for the sums so assessed, and finally determine all controversies. Commissioners to have 100l. per annum in Cheshire. Commissioners dying or refusing to act, the survivors, or any seven to appoint new ones. Undertakers may take 1s. 6d. per tun for all goods, carried on the river till the charges of making it navigable are satisfied, and afterwards not above 9d. per tun. Masters of barges, &c. answerable for any mischief done by their barges or crew. Owners or occupiers of adjoining lands may use pleasure boats without paying any duty. The river to be deemed navigable, and free for all the King's subjects, paying the duties. Owners, &c. of lands within five miles, not to pay duty for dung, &c. After the work shall be finished, undertakers may retain, out of the clear produce of the duties, any sums by them advanced. Undertakers may borrow any sums as the commissioners, or any nine shall think necessary, for carrying on the undertaking, and shall repay the same out of the first clear produce

Anno septimo GEORGII I. stat. 1. C. 18, 19. [1720.

produce after the work is finished. After the work finished, and charges and monies borrowed repaid, the duties shall be employed to repair the publick bridges, &c. in Cheshire, as the quarter-sessions shall direct. So much of the duties, as the quarter-sessions shall yearly appoint, shall be employed in repairing the highways leading to the said river, &c. The surplus of the tunnage to be employed in amending other highways in the said county. Undertakers dying or refusing to act, the commissioners or any thirteen, shall at their yearly assembly appoint others. Undertakers not finishing the undertaking in five years, the commissioners, or any thirteen, may appoint others.

CAP. XVIII.

An act for enlarging the term granted by an act passed in the tenth year of the reign of her late Majesty Queen Anne, intituled, *An act for repairing the road from Highgate Gatehouse in the county of Middlesex, to Barnet Blackhouse in the county of Hertford*; and for repairing the road leading from the Bear-Inn in Hadley, to the sign of the Angel in Enfield Chase in the said county of Middlesex.

The powers, penalties, &c. in the private act 10 Ann. c. 33. continued for seventeen years from the expiration thereof, as well for the purposes in that act, as for repairing the additional roads. *Continued by 9 Geo. 2. c. 39.*

XIX.

An act for continuing an act made in the sixth year of the reign of her late Majesty Queen Anne, intituled, *An act for repairing and enlarging the highways between the top of Kingsdown Hill and the city of Bath; and also several highways leading to and through the said city; and for cleansing, paving, and lightening the streets, and regulating the chairmen there; and for explaining and making the said act more effectual.*

The private act of 6 Ann. c. 1. and all the powers, duties, forfeitures, &c. therein contained, continued for 21 years, from 1 May 1721. After 1 May 1721. six of the justices of Wilts, Somerset and Gloucester, and one for Bath, impowered to put the former and this act in execution. Surveyors may make drains, erect arches, &c. on the contiguous grounds. Such satisfaction to be made to the owner, as three neighbouring justices shall determine. Owners neglecting to scour their ditches, surveyors may scour the same, and levy the charge on the owners. After 1 May 1721, chairmen in Bath shall keep such stands as the mayor, &c. shall direct, on penalty of ten shillings. *Continued by 12 Geo. 2. c. 20.*

CAP.

C A P. XX.

An act for continuing the duties on malt, mow, cyder and perry, to raise money by way of a lottery, for the service of the year one thousand seven hundred twenty one; and for transferring the deficiency of a late malt-act to the land-tax for the said year; and for disposing certain overplus money to proper objects of charity; and for giving further time to clerks and apprentices to pay duties omitted to be paid for their indentures and contracts; and touching small quantities of cyder exported; and for relief of captain John Perry concerning Daggenham Breach; and touching lost bills, tickets or orders; and concerning the duty of small pieces of plate; and to enable the undertakers for raising Thames Water in York-Buildings to sell annuities by way of a lottery; and for satisfying a debt, which was charged on the late duty on hops; and for appropriating the monies granted in this session of parliament. EXP.

XXXII. **A**ND whereas in and by an act passed in the twelfth year of her late Majesty Queen Anne, intituled, An act for the speedy and effectual preserving the navigation of the river of Thames, by stopping the breach in the levels of Havering and Daggenham in the county of Essex; and for ascertaining the coal-measure, several duties on coals and shipping were granted, and trustees therein appointed to apply and dispose of the same to the stopping the said breach, in such manner as they should think most convenient: and whereas on the twenty-sixth day of January one thousand seven hundred and fifteen, the said trustees contracted with captain John Perry for stopping the said breach for the sum of twenty five thousand pounds, and to maintain the same for three years after stopp, or in case of accidents, to make good the damage; upon condition that if such sum was not sufficient, they would recommend him to parliament, and whereas the said John Perry hath effected and performed the said work according to his contract, the charge and expence whereof hath amounted to the sum of forty thousand four hundred seventy two pounds eighteen shillings and eight pence three farthings, of which sum several of the creditors of the said John Perry, to whom he is indebted for premiums, are willing to remit to the said John Perry the sum of five thousand nine hundred sixty seven pounds and five shillings, which being deducted out of the same forty thousand four hundred seventy two pounds eighteen shillings and eight pence three farthings, there will be still wanting nine thousand five hundred and five pounds thirteen shillings and eight pence three farthings, over and above the twenty five thousand pounds agreed to be paid by the said trustees to the said John Perry, to enable him to defray the charge and expence of the said work: and whereas several security bonds have been entred into to the said trustees for the repayment of several sums of money, in case the said John Perry should not have performed his said contract for stopping the said breach, and also for maintaining the work for three years

Clause for relief of captain John Perry concerning Daggenham Breach, 12 Ann. stat. 2. c. 17.

years after the same should be stopped: and some doubts having arisen about the commencement of the said three years, be it therefore enacted by the authority aforesaid, That the said trustees be hereby impowered and required, out of the money collected or to be collected by virtue of the said act, to pay and satisfy to the said *John Perry*, his executors, administrators or assigns, the further sum of fifteen thousand pounds: and it is hereby declared, That the three years for which the said *John Perry* was or is to maintain the said work, did commence from the nineteenth day of *July* one thousand seven hundred and eighteen, being the day on which the breach was first reported to be stop according to his contract, the damage that hath since happened being now sufficiently repaired; any thing in the said act of the twelfth year of her late majesty *Queen Anne* to the contrary in any wise notwithstanding.

Clause touching lost bills, tickets or orders.

6 Geo. 1. c. 15.
Clause concerning the duty of small pieces of plate.

XXXIV. *And whereas by an act of parliament made in the last sessions of this present parliament for laying a duty upon wrought plate, and for other purposes therein mentioned; it was amongst other things enacted, That there should be raised, levied, collected, answered and paid, unto and for the use of his Majesty, his heirs and successors for ever (subject nevertheless to such redemption as is therein mentioned) for and upon all silver plate which should be made or wrought in Great Britain, or which at any time or times from and after the first day of June one thousand seven hundred and twenty should or ought to be touched, assayed or marked in Great Britain, as the said act directs, a duty after the rate of six pence for every ounce Troy weight, and proportionably for any greater or lesser quantity, to be paid by the maker or makers thereof respectively, and to be secured to be paid in such manner and form as in and by the said act is prescribed in that behalf: and whereas some doubts have arisen, whether the said duty ought to be paid for such pieces of silver plate which are so small and minute, as either not to be capable of being touched, assayed or marked, or of so small a value as not to be worth the trouble and expence of being so: therefore for the better explaining of the said act, and ascertaining of the said duty, be it declared and enacted by the authority aforesaid, That manufactures of silver, the silver whereof respectively, when made, wrought, finished, joined and completed, to and for the respective uses and purposes for which such manufactures respectively are intended, shall be less than or under the weight of three penny weight (other than and except handles, hafts, spoons, thimbles, buckles, clasps or buttons, made of silver only, or whereof the greatest part is or shall be of silver) are not intended to be charged with the said duty; and that the officers for the said duty, from and after the first day of *July* one thousand seven hundred and twenty one, shall not be obliged to take any account, or to make any return or report of such minute and small manufactures of silver (except before excepted;) any thing in the said act contained to the contrary thereof in any wise notwithstanding.*

Clause

Clause to enable the undertakers for raising Thames water in York-buildings, to sell annuities by way of a lottery.

XXXVI. *And whereas it hath been thought necessary for the service of the publick, That the lord treasurer or commissioners of the treasury for the time being shall be impowered to make allowances to the severall receivers general of the land-taxes and duties on houses, for their extraordinary charges in bringing, remitting and paying into the exchequer the money, over and above the poundage allowable by the respective acts of parliament for the said taxes and duties, upon reports made to them by the proper officers for that purpose: be it therefore enacted by the authority aforesaid, That the lords commissioners of the treasury, or any three or more of them now being, or the lord high treasurer, or any three or more of the commissioners of the treasury for the time being, be impowered, and they are hereby impowered to cause such sums of money as he or they, upon due consideration of such reports made or to be made by the proper officers for that purpose, shall judge to be just and reasonable to be paid or allowed from time to time to such persons as have been, or are, or shall be receivers, their sureties, executors, administrators or assigns respectively, as well for the time past as for the future, out of any overplus monies arisen or to arise by any land-tax granted or to be granted, and which doth or shall remain after discharging all the principal and interest-monies and other payments charged or to be charged thereupon by authority of parliament, and not otherwise; any former law or statute to the contrary notwithstanding.*

Clause for allowances to receivers of land-tax monies.

XXXVII. *And whereas there remains unpaid of the principal monies which were lent upon the duties on hops, as part of the sum not exceeding one hundred and eighty thousand pounds, which was authorized to be borrowed thereupon at an interest after the rate of six pounds per centum per annum, the sum of eight thousand five hundred and ninety pounds sixteen shillings and eight pence half penny, and such interest is due for the same for several years past: and whereas there remains in the exchequer the sum of one thousand one hundred sixty eight pounds eight shillings and five pence halfpenny, towards satisfying the said sum of eight thousand five hundred and ninety pounds sixteen shillings and eight pence halfpenny; and the growing duties on hops have been made part of the fund, called the aggregate fund, the overplus whereof is disposable only for publick uses, directed or to be directed by parliament: now to the end that the said sum of eight thousand five hundred and ninety pounds sixteen shillings and eight pence halfpenny, and the interest thereof, may be justly satisfied, and that a stop may be put to the growing interest at the said rate, be it further enacted by the authority aforesaid, That the said sum of one thousand one hundred sixty eight pounds eight shillings and five pence halfpenny, with so much of the said overplus monies, as together shall be sufficient to discharge the said sum of eight thousand five hundred and ninety pounds sixteen shillings and eight pence halfpenny, and all the interest incurred or to grow due thereupon, shall be issued and applied*

Clause for satisfying a debt which was charged on the late duty on hops.

applied thereunto upon the proper orders in course, whereby the said principal and interest are due; any clause, matter or thing in this act, or any other law or statute whatsoever, to the contrary notwithstanding.

Appropriation
of the money
granted this
session.
7 Geo. 1. stat.
1. c. 4.

XXXVIII. Provided always, and be it enacted by the authority aforesaid, That all the monies lent and to be lent to his Majesty upon one act of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land-tax to be raised in Great Britain, for the service of the year one thousand seven hundred twenty and one*, and so much money (if any such be) of the tax thereby granted, as shall arise and remain after all the loans made or to be made on the act last mentioned, and all the loans by this act transferred or directed to be transferred to the register for the said land-tax, and the interest of the said several and respective loans, and the charges allowable for raising the said land-tax, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and all the monies to be raised by way of a lottery or otherwise, by virtue of this present act, and so much of the duties upon malt, mum, cydet and perry, by this act granted or continued, as shall arise and remain (if any such be) after all the payments hereby directed to be made upon certificates, as well for the fortunate as the unfortunate tickets above mentioned, and the charges by this act allowable for the execution thereof, shall be satisfied, or monies sufficient shall be reserved to discharge the same, shall be appropriated and applied, and are hereby appropriated for and towards the several uses, intents and purposes herein expressed, subject nevertheless to such restrictions as are herein after prescribed, that is to say;

82,793 l. 19 s.
and 10 d. and
seven tenth
parts of a pen-
ny, to make
good the ge-
neral fund.

XXXIX. It is hereby enacted and declared, That out of all or any of the aids or supplies provided as aforesaid there shall and may be issued and applied any sum not exceeding eighty two thousand seven hundred ninety three pounds nineteen shillings and ten pence and seven tenth parts of a penny, to make good the deficiency of the fund, commonly called the general fund, for raising seven hundred twenty four thousand eight hundred forty nine pounds six shillings and ten pence and one fifth part of a penny *per annum*, for the year ended at *Michaelmas* one thousand seven hundred and twenty.

For naval ser-
vices.

XI. And it is hereby enacted and declared, That out of all or any the aids or supplies provided as aforesaid there shall or may be issued or applied any sum and sums of money not exceeding seven hundred thirty nine thousand forty nine pounds and fourteen shillings, for or towards defraying the charge of the ordinary of his Majesty's navy, and for half-pay to sea-officers, and for or towards victual, wages, wear and tear of the navy, and the victualling thereof performed and to be performed; and for or towards sea-services in the office of the ordnance performed and to be performed, and other services of the navy performed and to be performed; and any further sum and sums of money not exceeding fifty thousand two hundred pounds, for
or

or towards extraordinary repairs of his Majesty's navy performed and to be performed.

XLI. And it is hereby also enacted, That out of all or any of the aids or supplies provided as aforesaid there shall or may be issued and applied any sum or sums of money not exceeding ninety three thousand one hundred sixty eight pounds thirteen shillings and eleven pence, for defraying the charge of the office of his Majesty's ordnance for land-services performed and to be performed, and for or towards defraying several extraordinary expences of the office of ordnance for land-services in the year one thousand seven hundred and twenty, not provided for by parliament.

For the ord-
nance for
land-services.

XLII. And it is hereby likewise enacted, That out of all or any the aids or supplies provided as aforesaid there shall or may be issued and applied any sum or sums of money not exceeding in the whole the sum of eight hundred thirty two thousand one hundred seventy four pounds four shillings and eight pence halfpenny, for or towards maintaining his Majesty's land-forces and other services herein after more particularly expressed, that is to say, any sum not exceeding five hundred sixty seven thousand seventy pounds three shillings and four pence, for defraying the charge of fourteen thousand two hundred ninety four effective men (including commission and non-commission officers and invalids) for guards, garrisons and other his Majesty's land-forces in *Great Britain, Jersey and Guernsey*, and other services relating to the forces for the year one thousand seven hundred and twenty one; and any sum and sums of money not exceeding one hundred fifty thousand seven hundred forty three pounds thirteen shillings and four pence halfpenny, for maintaining his Majesty's forces and garrisons in the plantations, *Mimrica and Gibraltar*, and for provisions for the garrisons at *Annapolis Royal, Placentia and Gibraltar*, for the year one thousand seven hundred and twenty one; and any sum and sums of money not exceeding fifteen thousand two hundred seventy eight pounds eight shillings and nine pence, upon account of out-pensioners of *Chelsea Hospital* for the year one thousand seven hundred and twenty one; and any sum and sums of money not exceeding four thousand five hundred eighty one pounds nineteen shillings and three pence, for defraying several extraordinary expences for the service of his Majesty's land forces for the year one thousand seven hundred and twenty, not provided for by parliament; and any sum and sums of money not exceeding ninety four thousand five hundred pounds, upon account of half-pay for the year one thousand seven hundred and twenty one, to be paid to the reduced officers of his Majesty's land-forces and marines: subject nevertheless to such rules to be observed in the application of the said half-pay, as are herein after prescribed in that behalf.

For the land-
forces.

XLIII. And it is hereby enacted, That out of the aids and supplies provided as aforesaid any sum or sums of money not exceeding seventy two thousand pounds shall and may be issued and

72,000l. for
making good
the engage-
ments with
and Sweden.

23,935l. for
two Turkey
ships to be
burnt to pre-
vent infection.

The said sup-
plies to be ap-
plied to no
other uses.

For the com-
missioners of
army ac-
counts.

Rules to be
observed in
the applica-
tion of the
half-pay.

and applied for making good the engagements which his Majesty hath entred into with the crown of *Sweden*; and any sum or sums not exceeding twenty three thousand nine hundred thirty five pounds, to be applied to the satisfaction of the masters, owners and freighters of the ships *Bristol Merchant* and *Turkey Merchant*, which are intended to be burnt or destroyed for preservation of his Majesty's subjects against infection.

XLIV. And be it enacted, That the said aids or supplies provided as aforesaid shall not be issued or applied to any use, intent or purpose whatsoever, other than the uses and purposes before-mentioned.

XLV. Provided always, That such sums as by and in pursuance of any other act or acts of parliament are or shall be due or payable to any commissioners for taking, examining, stating and determining the debts due to the army, for their salaries, or for their clerks, or other incident charges, shall or may be paid out of the aids or supplies aforesaid, or any of them; any thing herein contained to the contrary notwithstanding.

XLVI. And as to the said sum of ninety four thousand five hundred pounds by this act appropriated on account of half-pay as aforesaid, it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed shall be duly observed in the application thereof; that is to say,

That no person shall have or receive any part of the same, who was a minor under the age of sixteen years at the time when the regiment, troop or company in which he served was reduced.

That no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop or company.

That no person having any other place or employment of profit, civil or military, under his Majesty, shall have or receive any part of the half-pay.

That no chaplain of any garrison or regiment, who has any ecclesiastical benefice, or other preferment in *Great Britain*, or *Ireland*, shall have or receive any part of the said half-pay.

That no person shall have or receive any part of the same who hath resigned his commission, and has had no commission since.

That no part of the same shall be allowed to any persons, by virtue of any warrant or appointment, except to such persons who would have been otherwise entitled to the same, as reduced officers.

And that no part of the same shall be allowed to any of the officers of the five regiments of dragoons and eight regiments of foot lately disbanded in *Ireland*, except to such as were lately taken off the establishment of half-pay in *Great Britain*.

C A P. XXI.

An act for the further preventing his Majesty's subjects from trading to the East-Indies under foreign commissions; and for encouraging and further securing the lawful trade thereto; and for further regulating the pilots of Dover, Deal, and the isle of Thanet.

WHEREAS it is of importance to the welfare of this kingdom, That the trade to and from the East-Indies, as the same is now regulated, be carried on in such manner, as that the British nation may have and enjoy the full fruits and advantages thereof: and whereas by virtue of several acts of parliament and letters patents the whole trade to and from the East-Indies and other places beyond the Cape of good Hope, in the said acts and letters patents mentioned, is now solely vested in the united company of merchants of England trading to the East-Indies; notwithstanding which, and notwithstanding the prohibitions, injunctions and penalties contained in such acts and letters patents for securing the said trade to the said company, several evil-minded persons, subjects of his Majesty, preferring their own private gain to the good of their country, have not only clandestinely, and without any authority from the said company, trafficked and traded to and from the East-Indies, but have also, by colour or upon pretence of commissions obtained from foreign governments, openly and publickly, in defiance of the said laws, and in contempt of his Majesty's authority, fitted out, manned and loaded great and defensible ships, and have sent out the same or sailed therewith to the East-Indies and parts aforesaid, and have prevailed upon several British seamen, and other subjects of his Majesty, to serve on board the said ships and to engage in the same undertaking, to the diminution of his Majesty's revenue and of the naval force and commerce of this kingdom: now to the intent that such wicked, mischievous and destructive practices may be prevented for the future, and that the trade aforesaid may be more effectually guarded and successfully carried on: be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in parliament assembled, and by the authority of the same, That if at any time from and after the four and twentieth day of June which shall be in the year of our Lord one thousand seven hundred and twenty one, any of his Majesty's subjects shall sail, go or repair to, or shall trade, traffick or adventure in, to or from the East-Indies or parts aforesaid, contrary to the laws now in being, or contrary to the tenor of this act, in every such case it shall and may be lawful, either for his Majesty's attorney general for the time being, or for the said united company, at any time within the space of six years, to file or exhibit, in any one of his Majesty's courts of record at Westminster, one or more information or informations against such offender or offenders for the offence by him or them committed; and if the party or parties, defendant or defendants, to such information or informations, Farther provided, the matters in this act, 9 Geo. 1. c. 28. 9 & 10 W. 3. c. 44. 6 Ann. c. 17. 10 Ann. c. 28. 5 Geo. 1. c. 21.

victed, shall be fined and imprisoned at the discretion of the court; but if acquitted, shall have full costs.

After 24 June 1721, all contracts for loans by way of bottomry on any foreigners ships bound for the East-Indies, and for loading such ships, and all copartnerships, and agreements for wages, declared void.

Any of his Majesty's subjects repairing to the East-Indies contrary to the laws, shall be deemed a trader, and all goods in his custody shall be forfeited.

All goods shipped for the East-Indies, or taken out of ships coming from thence (except goods of the company, or licensed by them) forfeit-

mations shall, by due course of law, appear or be found to be guilty thereof, in the court where such information or informations shall be so filed or exhibited, shall forthwith proceed to give judgment against the defendant and defendants, by such fine and imprisonment, or either of them, as the said court shall think fit; and shall also award the prosecutor or prosecutors his and their full costs of suit; but in case the said defendant or defendants shall be, upon any information exhibited by the said company, acquitted or found Not guilty, in such case the said company shall pay such defendant or defendants his or their full costs.

II. And it is hereby further declared and enacted by the authority aforesaid, That all contracts and agreements whatsoever, at any time from and after the said four and twentieth day of June one thousand seven hundred and twenty one, made or entered into by any of his Majesty's subjects, or any person or persons in trust for them, for or upon the loan of any monies by way of bottomry on any ship or ships in the service of foreigners, and bound or designed to trade in the *East-Indies* or parts aforesaid; and all contracts and agreements whatsoever made by any of his Majesty's subjects, or any person or persons in trust for them, for the loading or supplying any such ship or ships with a cargo or lading of any sort of goods, merchandize, treasure or effects, or with any provisions, stores or necessaries, and all copartnerships or agreements in the nature of copartnerships, made or entered into, relating to any such voyage or the profits thereof, and all agreements for the wages of any person or persons serving on board such ship or ships to be employed in such voyage, shall be and are hereby declared to be void.

III. And it is hereby further enacted and declared, That every person and persons, subject and subjects, of his Majesty, his heirs or successors, who shall at any time or times from and after the said four and twentieth day of June one thousand seven hundred and twenty one sail, go or repair to the said *East-Indies* or places aforesaid, contrary to the laws now in being, shall be deemed and accounted to be a trader, and to have traded and trafficked there; and all the goods and merchandizes that shall be there bartered or trafficked for, or be purchased by any such offender or offenders, or shall be found in his custody, or in the custody of any other person or persons by his, or their order or procurement, shall be forfeited, together with double the value thereof.

IV. And it is hereby further enacted by the authority aforesaid, That all and every the goods, merchandize, treasure and effects that shall at any time or times from and after the said four and twentieth day of June one thousand seven hundred and twenty one be shipped or put on board any ship or ships, vessel or vessels, bound to the *East-Indies* or parts aforesaid (other than and except the goods, merchandize, treasure and effects of the said company, or such as are licensed by them, or the naval stores, provisions and necessaries for such ship or ships performing

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ing their voyage) and all and every the goods, merchandize, treasure and effects (except as before is excepted) that shall, from and after the time aforesaid, be taken out of any such ship or vessel in her voyage homeward from the *East-Indies* or parts aforesaid to *England*, before her arrival there, the same and every of them shall be forfeited, together with double the value thereof; and the master or commander, and other officers of such ship or ships, vessel or vessels, for the time being, knowingly permitting or suffering any such goods, merchandize, treasure or effects to be shipped or put on board any such ship or ships so bound to the *East-Indies*, or to be taken out of any such ship or ships bound from the *East-Indies* or parts aforesaid to *England*, shall forfeit for every such offence the sum of one thousand pounds, and moreover shall not be entitled to have, demand or receive any wages whatsoever; nor shall the said company be obliged or compelled or compellable to pay any wages to, or to the use or upon the account of any such master, commander or officer, for or in respect of the voyage so made or to be made by such master, commander or officer, but shall have an allowance or deduction in respect thereof out of the monies payable by them on account of the ship to which such master or officers belong.

V. *But forasmuch as it happens many times, that the above-mentioned illegal trade is carried on and managed so artfully and covertly, that the said united company cannot come to the knowledge and proof of the same, and at most cannot ascertain the quantities, qualities and values of the goods, merchandize, treasure and effects so traded for, nor therefore obtain any satisfaction or compensation for the damages by them sustained, to their great loss and detriment, and to the great and apparent lessening of his Majesty's revenue: therefore it is provided and further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty's attorney general for the time being, at the relation of the said company, or by his own authority, to exhibit a bill or bills of complaint in his Majesty's court or exchequer against any person or persons trading, dealing, trafficking or adventuring, at any time from and after the said twenty fourth day of June one thousand seven hundred and twenty one, in, to or from the East-Indies, or places aforesaid, contrary to law, or against any person or persons concerned as agent, factor or copartner with such illegal traders, for discovery of such their trading, dealing, trafficking and adventuring, and for recovery of such duties and damage as are herein after mentioned, waiving or disclaiming in every such bill all the penalties and forfeitures incurred by such person or persons for the matters in such bill contained; and that such person or persons shall answer the said bill or bills, and not plead or demur to the discovery thereby sought, and pay to his Majesty the customs and duties of the goods and merchandize arising, produced or purchased by the said unlawful trade, traffick or adventuring, and shall answer and pay to the said company for the same thirty pounds per centum according to the value thereof in *England*; and if such offender or offenders pay the said*

ed, together with double value.

Masters of such ships to forfeit 1000 l. lose their wages, &c.

Attorney general may exhibit a bill of complaint in the exchequer against such as trade, &c. to the East-Indies after 24 June 1721, contrary to law or against their agents, &c. for discovery of such trading, &c. and waiving the penalties, &c.

such person, shall answer, and not plead or demur to the said bills, and pay the customs, &c.

duties and customs, or the amount of the same, into his Majesty's exchequer for the use of his Majesty, and damages to the said company, he or they shall not be prosecuted upon any other branch or article in this act, or upon any other law or statute whatsoever, for the same offence; and if such bill or bills (if exhibited at the relation of the said company) be dismissed by the court where the same shall be exhibited, the said united company shall pay every such defendant and defendants his and their costs of suit; and in case there be a decree obtained against the defendant or defendants, such defendant or defendants shall pay costs to his Majesty and the relator respectively.

Costs to be paid by either side.

Forfeitures appointed by this act, or by 9 & 10 W. 3. c. 44. 6 Ann. c. 3. and 5 Geo. 1. c. 21. to be recovered by bill, &c. one third to the King, one other to the company, and the remaining third to the officers of the customs that shall sue for the same.

VI. And it is hereby further enacted by the authority aforesaid, That all and every the forfeitures and penalties herein before appointed and enacted, or which are appointed or enacted in and by one act made in the ninth year of the reign of his late majesty King *William*, intituled, *An act for raising a sum not exceeding two millions upon a fund for payment of annuities after the rate of eight pounds per centum per annum, and for settling the trade to the East-Indies*; or in and by one other act made in the sixth year of the reign of her late majesty Queen *Anne*, intituled, *An act for better securing the duties of East-India goods*; or in and by one other act made in the fifth year of the reign of his present Majesty, intituled, *An act for the better securing the lawful trade of his Majesty's subjects to and from the East-Indies; and for the more effectual preventing all his Majesty's subjects trading thither under foreign commissions*, shall from and after the said four and twentieth day of *June* one thousand seven hundred and twenty one, be sued for, recovered and recoverable in any of his Majesty's courts of record at *Westminster*, by bill, plaint or information, at the suit or prosecution of his Majesty's attorney general for the time being, or of the said united company, or of any officer or officers of the customs, such officer or officers of the customs first taking such consent and directions as is or are contained in the proviso for that purpose hereafter; and that one third part of all such forfeitures and penalties shall be to the use of his Majesty, his heirs and successors; one other third part thereof to the use of the said united company; and the remaining third part thereof to the use of such officer or officers of the customs as shall inform, and so as aforesaid sue for the same; in which suits or prosecutions no essoin, wager of law or protection shall be allowed, or any more than one imparlance.

Officers not to sue without acquainting the court of directors, who, if they chuse to sue in the attorney general's name, shall pay such officers one quarter part

VII. Provided nevertheless, and it is hereby further enacted and declared, That before any suit or prosecution shall be commenced for the recovery of all or any the penalties or forfeitures aforesaid, by any such officer or officers of the customs, such officer or officers shall first repair and go to the court of directors of the said united company for the time being, and make known to them the offence committed, and his or their intentions to sue or prosecute for the same; and if the said court of directors shall elect to have the suit or prosecution brought or commenced by bill or bills of complaint, to be filed or exhibited in the court

court of exchequer, with such waiver and disclaimer of the penalties and forfeitures, as aforesaid, then and in such case such bill or bills of complaint shall be filed and exhibited, and prosecuted accordingly, in the name of the attorney general, as aforesaid, and then and thereupon there shall be yielded and paid by the said company to such officer or officers one quarter part of the monies that shall be recovered upon such suit, for the benefit of the said company; and the said united company shall moreover bear the charges of the said suit or prosecution; but if the said court of directors shall elect to have the suit or prosecution commenced for the penalties or forfeitures by informations or actions of debt at law, then the said officer or officers shall accordingly sue and prosecute for the same at law; and the said information or actions shall be proceeded upon, and shall not be discontinued or determined, but by and with the consent of the said united company, or their court of directors.

VIII. Provided always, That this act or any thing herein contained shall not extend, or be construed, deemed or taken to extend, to subject the governor and company of merchants of *England* trading into the *Levant Seas*, or any member thereof, to answer such bill, or subject him or them to any other the penalties and forfeitures hereby enacted, for or in respect of his or their trading into the *Levant Seas*; any thing herein contained to the contrary in any wise notwithstanding.

IX. And it is further enacted by the authority aforesaid, That from and after the said four and twentieth day of *June* one thousand seven hundred and twenty one, no commodity of the growth, product or manufacture of the *East-Indies*, or other land, *Jersey*, the places aforesaid, shall be imported or carried into the kingdom of *Ireland*, the islands of *Jersey*, *Guernsey*, *Alderney*, *Sark* or *Man*, or into any land, island, plantation, colony, territory or place, to his Majesty, or to the crown of *Great Britain* belonging, or which shall hereafter belong to his Majesty, his heirs and successors, in *Africa* or *America*, but such only as shall be *bona fide*, and without fraud, loaden and shipped in *Great Britain* in ships navigated according to the several and respective laws now in being, as to the several places to which the said goods shall be imported or carried, under the penalty of forfeiting all such goods, or the value thereof, together with the ship or vessel in which they shall be imported, with all her guns, tackle, furniture, ammunition and apparel; and such ship and goods shall and may be seized, and the same, or the value thereof, shall and may be prosecuted in any of his Majesty's courts of record at *Westminster*, or in *Dublin*, or in any of his Majesty's courts in such land, island, colony, territory or place where the offence shall be committed, or in the royal courts of *Jersey* and *Guernsey* respectively, by bill, plaint or information, wherein no *essoin*, protection or *wager of law* shall be allowed, nor any more than one imparlance; one moiety of which forfeiture shall be to the use of his Majesty, his heirs and successors, and the other moiety to him or them who shall seize or sue for the

of the monies recovered, and bear the charges, otherwise the officers shall prosecute, and not discontinue, &c. without consent of the company.

Not to extend to the *Levant* company.

After 24 June 1721. East-India goods carried into Ireland, Jersey, &c. except such as are loaden in Great Britain, shall be forfeited, together with the ship, &c. Amended by 12 Geo. 2. c. 22.

How such forfeiture shall be disposed of.

Officers of the customs conniving at such importation, or delaying the prosecution, to forfeit 500 l. and be incapable of any office under the crown.

same; except such offence shall be committed in any of his Majesty's plantations in *Africa* or *America*, in which case one third part of the said forfeiture shall be to the use of his Majesty, his heirs and successors, one other third part to the governor of such land, island, colony or place where the offence shall be committed, and the other third part to the informer or prosecutor; any law, custom or usage to the contrary notwithstanding: and if any officer or officers of the customs in the said kingdom of *Ireland*, or in the lands, islands, colonies, plantations, territories or places aforesaid, shall willingly or knowingly connive at the fraudulent importation of any such commodities as is before-mentioned, contrary to the true meaning hereof; or if any such officer or officers shall take upon him or them to seize any of the said commodities, and shall by fraud or collusion, desist or delay the prosecution thereof to condemnation; he or they to conniving, desisting or delaying, shall forfeit and lose the sum of five hundred pounds, to be sued for and recovered in manner aforesaid; one moiety of which forfeiture to be to the use of his Majesty, his heirs and successors, and the other moiety thereof to him or them who will inform and sue for the same; and such officer or officers shall also for the future be incapable of holding any office or employment under his Majesty, his heirs and successors.

4 & 5 W. & M. c. 5.

10 Ann. c. 26. sect. 41.
1 Geo. 1. stat. 2. c. 43. sect. 5.

After 24 June 1721. three years allowed for the exportation of foreign goods, after the importation thereof.

X. *And whereas by an act passed in the fourth year of the reign of King William and Queen Mary, for granting to their Majesties certain additional impositions upon several goods and merchandizes, for the prosecuting the war against France, the several duties charged by that act upon amber beads, amber rough, coral beads, and polished coral, and upon cowries, are to be repaid to the merchants exporting the same, if exported within three years from the importation thereof, which act is now in force: and whereas by several other acts of parliament now in force, the time for exportation of some foreign goods by British merchants is limited to the space of twelve months, and of other foreign goods to the space of eighteen months, or thereabouts, from the times of the importation thereof: and whereas the time for exportation of some foreign goods, by aliens or merchant strangers, is limited to the space of nine months, and of others to the space of fifteen months, or thereabouts, from the times of importing the same; but forasmuch as it hath been found by experience, that the said respective times of nine months, twelve months, fifteen months, and eighteen months afore-mentioned, are too short, and very inconvenient to traders; and for as much also as it will be for the benefit of the trade of this kingdom, if the time given for repaying or drawing back the duties upon the exportation of all goods and merchandizes of his Majesty's plantations, and all other foreign goods and merchandizes whatsoever, be enlarged; be it therefore further enacted by the authority aforesaid, That the respective times for exportation of all goods and merchandizes of his Majesty's plantations, and all other foreign goods and merchandizes, as the same are now limited by any law or laws in being, shall from and after the said twenty fourth day of June one thousand seven hundred and twenty*

twenty one, be extended and enlarged, so that in all cases where repayments, allowances or drawbacks are made upon the exportation of any goods and merchandizes of his Majesty's plantations, and all other foreign goods and merchandizes imported, and afterwards exported, by virtue of any law now in force, all merchants and traders, bodies politick and corporations, shall shall from thenceforth have and be allowed three years time, from the importation of such goods, to export the same, accounting such importation from the master's report of the ship; and all and every such merchant and merchants, trader and traders, bodies politick and corporations, shall have the like repayments, allowances and drawbacks by and for such exportation, as if the same had been exported within the respective times before-mentioned, or any other times limited by any law now in being for that purpose; such law, or any other law, rule, custom or usage to the contrary in any wise notwithstanding: Provided nevertheless, That certificates and oaths be made, and all other requisites performed according to the laws now in being relating to the importation and exportation of such goods.

XI. *And whereas by the several acts which granted the duties of fifteen per centum upon muslins and white calicoes imported (which acts are now in force) the importers before the landing thereof, are to give security by bond for payment of the said duties, as soon as the same shall be sold, and for exposing the said goods to sale openly and fairly by way of auction or inch of candle, within the city of London, within the time of twelve months after the importation thereof; and in case the said goods shall, within the time limited, be fairly sold, as aforesaid, and in case the importers shall pay down the said duties in ready money, within twenty days after such sale, they are to have an allowance after the rate of five pounds for every one hundred pounds of duties so paid: and whereas by several acts of parliament now in force for granting, continuing, and better securing the duties payable ad valorem upon unrated East-India goods, and for ascertaining the values according to which such duties shall be paid, the importer or importers thereof are, in like manner, to give security by bond for payment of the said duties according to the real values of the said goods, to be ascertained according to the respective acts of parliament in that behalf made (except coffee) as soon as the said goods shall be sold, and also for exposing the said goods to sale openly and fairly by way of auction, or by inch of candle, within the city of London, within the time of twelve months after the importation thereof; and for as much as the restraining the said muslins, white calicoes, and unrated East-India goods to be sold within twelve months from the importation thereof, may some times be detrimental to the revenue; and that the enlarging the said time of sale will be for the benefit of the trade of this kingdom: be it therefore enacted by the authority aforesaid, That for such of the said goods as are at present imported and unfold, or shall, from and after the said four and twentieth day of June one thousand seven hundred and twenty one, be imported, the importer or importers thereof may, at any time within the space of three years from the importation*

But certificates and oaths shall be made according to the laws now in being.

Clause for enlarging the time for sale of muslins, white calicoes, and unrated East-India goods.
11 & 12 W. 3. c. 3.
12 & 13 W. 3. c. 11.
3 & 4 Ann. c. 4.
6 Ann. c. 22.
12 Ann. stat. 2. c. 19.

2 W. & M. sess. 2. c. 4.
7 & 8 W. 3. c. 10.
2 & 3 Ann. c. 9.

of such respective goods, expose the same to sale, and after such sale there shall be allowed the like discounts on payments of the respective duties on such goods, as if the same had been exposed to sale within the time of twelve months, as before-mentioned, or any other time heretofore limited by law; and from and after the said four and twentieth day of *June* one thousand seven hundred and twenty one, the condition of the bond or bonds to be given by the importers for payment of the said duties on the goods before-mentioned, shall be to expose the same to sale within the space of three years from the importation thereof; and the importer or importers of the said goods shall be intitled to the same discounts, allowances, and payment of the duties upon the said goods, as if the same had been sold within the said time of twelve months; any law, usage or custom to the contrary notwithstanding.

3 & 4 Ann. c. 4.
Clause for re-
pealing so
much of any
former act, as
relates to, or
allows the im-
porting of tea
by licence or
certificate.

6 Geo. 1. c. 21.

XII *And whereas by an act passed in the third year of the reign of her late majesty Queen Anne, for continuing duties upon low wines, and upon coffee, tea, chocolate, spices and pictures, and upon hawkers, pedlars and petty chapmen, and upon muslins, and for granting new duties upon several of the said commodities, and also upon callico, China ware and drugs; it is enacted, That any person or persons may import into this kingdom tea, subject to the several duties payable for the same, from any parts beyond the seas, in British ships, navigated as therein mentioned, so as notice be first given to the commissioners of her Majesty's customs of the quantity and quality of the said tea so intended to be imported, and the place in which they intend to import the same, and taking a licence under the hands of the said commissioners for the time being, or any three of them, for the landing and importing thereof, as aforesaid, which act hath been since continued, and is now in force: and whereas the method of granting those licences, by an act passed in the last session of parliament, intituled, An act for preventing frauds and abuses in the publick revenues of excise, customs, stamp-duties, post-office, and house-money, is altered and explained: and whereas under the colour of such licences great frauds are committed, to the prejudice of his Majesty's revenue; and forasmuch as it hath been found by experience, That the allowing the importation of tea, by virtue of such licences or certificates from *Ostend*, and other places, not being the place of its growth, tends to promote the illegal trade carried on by his Majesty's subjects to the *East-Indies* under foreign commissioners, and in conjunction with foreigners, and is very prejudicial to the trade and navigation of this kingdom; For the preventing thereof, be it enacted by the authority aforesaid, That from and after the said four and twentieth day of *June* one thousand seven hundred and twenty one, so much of the said act of the third year of her said late Majesty, and of the several acts continuing the same, and so much of the said act of his present Majesty which past the last sessions of parliament, and every other act which relates to or allows of the importing tea by licence or certificate, as aforesaid, shall be, and the same are hereby*

hereby repealed, annulled and made void, to all intents and purposes whatsoever.

XIII. And be it further enacted by the authority aforesaid, That the said united company shall for the future be allowed to ship out stores, provisions, utensils of war, and necessaries for maintaining their garrisons and settlements, free of all duties, so as such duties, if they had been to be paid, would not have exceeded or do not exceed in any one year the sum of three hundred pounds.

XIV. And whereas frauds are frequently committed in clandestine running of goods out of ships and vessels homeward bound, as well from the East-Indies as other parts, on pretence of boats plying with pilots for such ships and vessels at a great distance from the proper stations of such pilots, by means whereof they escape the inspection of the officers of the customs, and several mischiefs and inconveniences have happened, as well to his Majesty's as to merchant ships, by the disorders and negligences of pilots residing at Dover, Deal, and the isle of Thanet, which are not sufficiently prevented by an act made in the third year of his present Majesty's reign, intituled, An act for the better regulating of pilots and conducting of ships and vessels from Dover, Deal, and the isle of Thanet, up the river of Thames and Medway; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the lord warden of the cinque ports for the time being, or his deputy, with the assent of the commissioners of load-manage, and of the masters and wardens of the society or fellowship of pilots of the Trinity-House of the cinque ports, or the major part of them, at an assembly commonly called a court of load-manage, to be held by the said lord warden or his deputy, during the continuance of the said act of the third year of his Majesty's reign, to make such rules and orders for the better government and regulation of the pilots residing at Dover, Deal, and the isle of Thanet, as shall be thought fit and convenient, and to order and direct a proportionable and sufficient number of the respective pilots, residing at Dover, Deal, and the isle of Thanet, not less than eighteen, to ply constantly at sea, at all seasonable times, to be ready to conduct such ships and vessels up the said rivers of Thames and Medway, as shall have occasion for them; and that it shall and may be lawful to and for the said lord warden of the cinque-ports for the time being, or his deputy, during the continuance of the said act, with the assent of the said commissioners, and the master and wardens of the said society or fellowship, for the time being, or the major part of them, at a court of load-manage to be held, as aforesaid, to suspend or deprive any of the said pilots for breaking such rules or orders, or omitting any thing required by the same, or for acting in any wise contrary to such rules or orders; and if any of the said pilots so suspended or deprived, during the time of such suspension or deprivation, shall take upon him or themselves to conduct any ship or vessel by or from Dover, Deal, or the isle of Thanet, to any place or places in or upon the said river of Thames or Medway, such pilot

Clause impow-
ering the lord
warden of the
cinque-ports,
with the assent
of the commis-
sioners of load-
manage, &c.
to make orders
for the better
government of
pilots at Dover,
Deal, &c.
3 Geo. 1. c. 13.
10 Geo. 1. c. 17.

Anno septimo GEORGII I. stat. 1. c. 22,—25. [1720.
or pilots shall be liable to all such pains and penalties, to be recovered and applied in like manner and form as are provided by the said act of the third year of his present Majesty, against such person or persons as shall conduct ships from and to the places aforesaid, without being first examined and approved by the master and wardens of the said society or fellowship at the said court, and admitted into the said society. *This clause is continued by 10 Geo. 1. c. 17. sect. 2. and 8 Geo. 2. c. 21. and 23 Geo. 2. c. 26.*

CAP. XXII.

An act for enabling Charles earl of Arran to purchase the forfeited estate of James Butler, late duke of Ormonde; and for granting relief to William late lord Widdrington; and for enlarging the time for determining claims upon the forfeited estates; and for enabling the commissioners for the said forfeited estates to certify into the exchequer all such estates as they have found to be given to popish or superstitious uses.

Charles earl of Arran declared purchaser of all the forfeited estate of James late duke of Ormonde in Ireland, for the sum of 50,000l. Clause for vesting the said late duke's estate in trustees, for the uses expressed in this act. All debts, &c. due to the late duke in Ireland, not sold by the commissioners, vested in the earl of Arran. Monies received out of the late duke's forfeited estate, &c. remaining in the treasury of Ireland or exchequer of Great Britain, made liable to discharge the debts charged thereon. Saving to the crown of all rights before the attainder. Not to extend to revive the regalities of the county of Tipperary. Clause in favour of the late lord Widdrington. The powers enlarged and continued by the act 5 Geo. 1. c. 22. further continued to 24 June 1722, and to the end of the then next session. The commissioners appointed by 1 Geo. 1. c. 50. shall certify into the exchequer all such messuages, &c. as they shall find to be given to superstitious uses; upon which certificate the court shall proceed as if the same had been found by inquisition.

CAP. XXIII.

An act for repairing the several roads leading from the town of Ledbury in the county of Hereford, to the several places therein mentioned.

The toll granted by this act is to have continuance from 24 June 1722, for 21 years. *Continued by 15 Geo. 2. c. 17.*

CAP. XXIV.

An act for repairing the road from Wendover to the town of Buckingham in the county of Bucks.

The toll granted by this act is to have continuance from the 25th of March 1722, for 21 years. *Continued by 15 Geo. 2. c. 5.*

CAP. XXV.

An act for laying a duty of two pennies Scots, or one sixth part of a penny sterling, upon every Scots pint of ale or beer that shall be brewed for sale, vended or tapped within the town of Jedburgh and privileges thereof, for paying the publick debts of the said town, and for supplying the same with fresh water, and for other purposes therein mentioned.

The duty granted from 24 June 1722, for 21 years, &c,

1720.] Anno septimo GEORGII I. stat. 1. c. 26, 27.

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CAP. XXVI.

An act for repairing the road from St. Giles's pound to Kilbourne-Bridge in the county of Middlesex.

The toll granted by this act is to have continuance from June 24, 1721, for 21 years. Continued by 17 Geo. 2. c. 4.

CAP. XXVII.

An act for raising a sum not exceeding five hundred thousand pounds, by charging annuities at the rate of five pounds per centum per annum upon the civil list revenues till redeemed by the crown; and for enabling his Majesty, his heirs or successors, (by causing such a deduction to be made as therein is mentioned) to make good to the civil list the payments which shall have been made upon the said annuities; and for borrowing money upon certain lottery-tickets; and for discharging the corporations for assurances of part of the money which they were obliged to pay to his Majesty; and for making good a deficiency to the East-India company.

MOST gracious Sovereign, Whereas by an act of parliament made and passed in the first year of your Majesty's reign, intituled, An act for the better support of his Majesty's household and of the honour and dignity of the crown of Great Britain, several rates and duties of excise, and a further subsidy of tonnage and poundage, and other duties or revenues, were granted or continued during your Majesty's life (which God long preserve) and the same, with several hereditary duties and revenues therein particularly specified (except as therein is excepted) were thereby enacted and declared to be for the support of your Majesty's household and the honour and dignity of your crown, subject to such incumbrances and savings as in the said act are expressed: and in and by another act of the said first year of your Majesty's reign (made among other things) for enlarging the fund of the governor and company of the bank of England relating to exchequer-bills, and for settling an additional revenue of one hundred and twenty thousand pounds per annum upon your Majesty during your life; provision was made for payment of the said yearly sum of one hundred and twenty thousand pounds for the service of your Majesty's household and family, and other your necessary expences and occasions, during your Majesty's natural life, out of the monies of the fund, commonly called the aggregate fund, therein mentioned and described, in the course and manner thereby prescribed: and in and by the act last mentioned, it is provided and enacted, That if the revenues settled or appointed for the service of your Majesty's household, and of the honour and dignity of your crown, by the act first above recited, together with the said additional revenue of one hundred and twenty thousand pounds per annum, should, from the feast of Saint Michael the Archangel

1 Geo. 1. Stat. 1. c. 1.

1 Geo. 1. Stat. 1. c. 12.

which

which was in the year of our Lord one thousand seven hundred and fifteen, at any time during your Majesty's life produce in clear money more than the yearly sum of seven hundred thousand pounds, then the overplus of such produce should go and be applied to such publick uses as in and by the act last before recited are prescribed, as in and by the said several acts (relation being thereunto respectively had) may more fully appear: and whereas by reason of several extraordinary expences arisen since the making the said recited acts, divers arrears of salaries, wages, diet-monies and other allowances, and sundry debts for exemptions, provisions and other causes, have incurred and grown due to your Majesty's servants, tradesmen and others, and do now remain unsatisfied, amounting to a very considerable sum in the whole: now we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being desirous that your Majesty, in the administration of your civil government, may not remain under any difficulties in respect of the arrears and debts contracted as aforesaid; and that therefore a sum not exceeding five hundred thousand pounds may be raised, to enable your Majesty to discharge debts and arrears, by sale of annuities, to be charged and secured upon a yearly fund to be answered and paid out of the said revenues, but to be redeemable by such ways and means, and in such manner and form, as hereafter by this act are prescribed, do most humbly pray your Majesty, That it may enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That yearly and every year, from and after the feast of the nativity of Saint John Baptist in the year of our Lord one thousand seven hundred and twenty one, a certain yearly fund, to be computed after the rate of five pounds *per centum per annum*, for and upon all the annuities to be purchased on this act, is and shall, by force and virtue of this act, be settled and established, and be payable in the manner and form herein after expressed and declared, for satisfying and discharging the same annuities from time to time, until the same shall be redeemed by his Majesty, his heirs or successors, according to the true intent and meaning of this present act; nevertheless the said yearly fund shall be subject to a proportionable reduction or abatement upon redemption of part of the said annuities, according to the proviso or power of redemption herein after contained in that behalf.

From 24 July 1721, a certain yearly fund to be computed at 5l. per cent. to be settled for all the annuities to be purchased on this act, till redeemed.

Farther provision relating hereto, 2 Geo. 1. c. 20. s. 32. 11 Geo. 1. c. 17. 12 Geo. 1. c. 2.

The fund to be charged on all the revenues hereditary and temporary, during his Majesty's life,

II. And it is hereby enacted by the authority aforesaid, That the said yearly fund, after the rate of five pounds *per centum per annum* (subject nevertheless to such proportionable reduction or abatement upon redemption of part of the said annuities as is provided by this act) is and shall, by virtue of this act, be charged and chargeable upon and be payable out of all the revenues, additional revenues, duties and branches whatsoever, settled or appointed for the support of his Majesty's household and the honour and dignity of the crown as aforesaid, as well those which are hereditary in the crown, as those which were granted

granted during his Majesty's life, and every of them, for and during the whole time and term of his Majesty's natural life (which God long preserve) unless all the said annuities shall sooner be completely redeemed according to the proviso and power of redemption herein after contained in that behalf; and that the sum and sums of money, which from time to time, during his Majesty's life, shall be issued or paid for or upon the said yearly fund, after the said rate of five pounds *per centum per annum*, shall be and be deemed and reckoned to be part of the yearly sum of seven hundred thousand pounds above-mentioned.

III. And it is hereby enacted by the authority aforesaid, That in case of his Majesty's demise before the complete redemption of all the said annuities, then the said yearly fund after the rate of five pounds *per centum per annum* (subject nevertheless to such proportional reduction or abatement as aforesaid) is and shall, by virtue of this act, be charged and chargeable upon and be paid and payable out of the hereditary revenues, duties and branches before-mentioned, and every of them, until the complete redemption of all the said annuities to be purchased upon this act; and that all the payments for or upon the said yearly fund, shall be made with preference to all other payments whatsoever, which shall or may hereafter be charged upon the said revenues, duties or branches, or any of them.

IV. Provided always, and it is hereby enacted by the authority aforesaid, That this act, or any thing therein contained, shall not extend or be construed to make void, alter or prejudice any disposition, appropriation, appointment, matter or thing whatsoever contained, saved, excepted or allowed in any former act or acts of parliament, of or concerning any the revenues, duties or branches aforesaid, or in any manner to prejudice any pensions or annuities charged and to be paid out of the said hereditary revenues, or any of them, by or in pursuance of any act or acts of parliament, or by virtue of any grants or letters patents made or granted by any of his Majesty's royal predecessors, Kings or Queens of this realm, but that the same dispositions, appropriations, appointments, matters and things shall continue and be in force, and shall take effect and be observed, as if this act had not been made; and the said last mentioned pensions and annuities shall remain due and shall be paid, but shall not be deemed or reckoned to be part of the said yearly sum of seven hundred thousand pounds, during his Majesty's life.

V. And for raising any sum or sums of money not exceeding in the whole five hundred thousand pounds, for the purposes aforesaid; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate to contribute, advance and pay to the first or chief cashier of the governor and company of the bank of *England* for the time being, at or before the respective days and times in this act limited in that behalf, any sum or sums of money not exceeding in the whole the said sum of five hundred thousand pounds, for the purchase of any

unless sooner redeemed.

In case of his Majesty's demise, the fund to be charged on the hereditary revenues.

Not to prejudice any former dispositions, &c.

Any persons may contribute to the chief cashier of the bank any sum not exceeding 500,000l.

any annuity or annuities, to commence from the said feast of the nativity of Saint *John Baptist* one thousand seven hundred and twenty one, and to be paid and payable to such contributor or contributors, or such as he, she or they shall nominate, his, her or their executors, administrators, successors and assigns respectively, until the same shall be redeemed according to the provisions and power of redemption herein after contained in that behalf, so as such cashier or cashiers do first give security to the good-liking of any three or more of the commissioners of his Majesty's treasury now being, or the high treasurer or commissioners of the treasury for the time being, for duly answering and paying into the receipt of the exchequer, for the purposes before-mentioned, the monies which shall be so advanced or contributed, and to account duly for the same; which annuities before-mentioned shall be computed after the said rate of five pounds *per annum* for every one hundred pounds, and proportionably for any greater sum so to be advanced or paid; and the purchase-money for every such annuity, at the rate aforesaid, is hereby appointed to be paid to the said cashier as aforesaid, at or before the respective days or times herein after limited; that is to say, one moiety or half-part thereof on or before the eleventh day of *September* one thousand seven hundred and twenty one; one other moiety or half-part thereof on or before the tenth day of *November* one thousand seven hundred and twenty one; all which annuities so to be purchased shall be paid and payable at the four most usual feasts in the year; that is to say, the feasts of Saint *Michael the Archangel*, the birth of our Lord Christ, the annunciation of the blessed Virgin *Mary*, and the nativity of Saint *John Baptist*, by even and equal portions, or within six days after every of the said feast-days; the first payment thereof to be due at the feast of Saint *Michael the Archangel* in the year of our Lord one thousand seven hundred and twenty one, or within six days after the same feast-day: nevertheless the said annuities shall be redeemable, as is afterwards in this act provided in that behalf.

Cashier first to give security.

Annuities to be computed at 5l. per cent. per ann.

Times of paying the purchase-money.

Annuities to be paid quarterly.

The first payment at Mich. 1721.

These annuities are redeemed 21 Geo. 1. C. 17.

Contributors for prompt payment allowed 6l. per cent. for monies advanced before 21 Sept. 1721. A book to be kept in the accountant general's office; and an attested copy thereof to be transmitted to the auditor of the receipt by 25 March 1722. Contributors to enjoy their annuities free from taxes. So much of the civil list revenues to be set apart weekly, as shall be sufficient to discharge the annuities quarterly. Bank to appoint a chief cashier and an accountant general. All the monies contributed to be one capital stock, and transferrable. A transfer-book to be kept in the chief accountant's office. No stamp duties for transfers. Acceptors of stock from contributors, who have paid only part of the contribution money, liable to pay the residue.

XIX. And to the end his Majesty, his heirs and successors, may be enabled to reimburse himself or themselves such sum and sums of money as in pursuance of this act shall have been issued or furnished out of his Majesty's civil list revenues, during his life (which God long preserve) or out of the said hereditary revenues after his Majesty's demise, for or towards the payment of the said annuities, or for or towards the redemption of the same;

same; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, his heirs and successors, by any warrant under the great seal of *Great Britain*, privy seal or royal sign manual, to cause a deduction to be made, not exceeding six pence in the pound, out of all monies which, from and after the first day of *August* one thousand seven hundred and twenty one, shall be paid for or upon all pensions and annuities charged upon any of the said hereditary or temporary duties, and for and upon all salaries, fees and wages, payable for or in respect of offices of profit, granted by or derived from the crown, and for and upon all other payments from the crown whatsoever, or for or upon any arrearages of them, or any of them, incurred or to be incurred; the pay of commission and non-commission officers and private men, serving in the navy or army, only and always excepted; the same deductions to be made for the use of his Majesty, his heirs and successors, for the benefit of his or their civil government, so long as the said annuities shall, by virtue of this act, be payable out of the revenues charged therewith, as aforesaid, and until the same annuities shall be redeemed pursuant to this act; any former law, statute or provision whatsoever to the contrary notwithstanding.

His Majesty may cause a deduction of 6d. in the pound out of all salaries, &c. from 1 Aug. 1721: This deduction how appropriated, 12 Geo. 1. c. 2. s. 24.

Except commission officers, &c.

XX. Provided always, and it is hereby enacted, That this act, or any thing herein contained, shall not extend, or be construed to extend, to charge or to enable his Majesty to charge the annuities or yearly sums, amounting to one hundred thousand pounds, granted to his royal highness the prince of *Wales*, or his trustees, during the joint lives of his Majesty and the said prince, or the annuities or yearly sums, amounting to fifty thousand pounds, granted to her royal highness the princess of *Wales*, or to any person or persons in trust for her, to commence and take effect immediately after the decease of the said prince, or any of the same annuities or yearly sums, so granted, with the above-mentioned deduction or payment of six pence in the pound, or any part thereof; but that the same annuities or yearly sums, and their royal highnesses respectively, and their respective trustees, treasurers and receivers general for the time being, in respect of the same, shall be free and clear of and from the said deduction or payment of six pence in the pound; any thing in this act contained to the contrary notwithstanding.

Not to extend to the annuities of the prince and princess of *Wales*.

XXI. Provided always, That nothing in this act contained shall extend, or be construed to extend, to prejudice, delay or interrupt the payment of the said annuity or annuities, amounting to fifty thousand pounds, granted to her royal highness the princess of *Wales*, or to any person or persons in trust for her, to commence and take effect immediately after the decease of his royal highness the prince of *Wales*; any thing herein contained to the contrary notwithstanding.

Not to prejudice the annuity of 50,000l. to the princess after his royal highness's death.

XXII. And whereas it is intended that the said sum, not exceeding five hundred thousand pounds, shall be applied in and for the payment of debts and arrears due and to grow due to his Majesty's servants, and others, payable at the receipt of his Majesty's exchequer, or in offices

offices wherein the expences relating to his Majesty's civil government are payable: and whereas several of the said servants, and others, are, or may be desirous to have and enjoy annuities at the rate aforesaid, to be founded on this act, in lieu and satisfaction of such their debts and arrears respectively; be it therefore provided, &c.

Treasury may make out tallies for annuities at 5l. per cent. to such persons as shall desire the same for the arrears due to them. On delivery of such tallies to the cashier, the producer to be deemed a contributor. All the powers relating to annuities purchased with money shall be practised for securing the annuities to be purchased by such tallies. Such persons as may have malt lottery tickets in their hands, may borrow money thereon at 6l. per cent. either before or after drawing.

6 Geo. 1. c. 18. **XXVI.** *And whereas the corporation or body politick, called The London assurance, created and established by his Majesty's charter under the great seal of Great Britain, bearing date the twenty second day of June in the sixth year of his Majesty's reign, pursuant to an act of parliament in that behalf, were obliged to pay to his Majesty's use the sum of three hundred thousand pounds, and have actually paid into the receipt of his Majesty's exchequer several sums, amounting to one hundred and eleven thousand two hundred and fifty pounds in part of the said sum of three hundred thousand pounds: and whereas the corporation or body politick, called The London assurance of houses and goods from fire, created and established by another charter under the great seal of Great Britain, bearing date the twenty ninth day of April in the present seventh year of his Majesty's reign, have covenanted with his Majesty, his heirs and successors, to pay or cause to be paid to his Majesty, his heirs or successors, at the receipt of the exchequer at Westminster, the remaining sum of one hundred eighty eight thousand seven hundred and fifty pounds, at or before such days and times, and in such proportions, as are hereafter mentioned; that is to say, thirty eight thousand seven hundred and fifty pounds, part thereof, within three calendar months after the date of the said charter, for the said corporation, called The London assurance of houses and goods from fire; fifty thousand pounds, other part thereof, within nine calendar months after the date of the same charter; fifty thousand pounds more thereof within fifteen calendar months after the date of the same charter; and fifty thousand pounds, residue thereof, within one and twenty calendar months after the date of the same charter: and whereas the corporation or body politick, called The Royal Exchange assurance, created and established by his Majesty's charter, under the great seal of Great Britain, dated the two and twentieth day of June in the sixth year of his Majesty's reign, pursuant to the act of parliament in that behalf, were obliged to pay to his Majesty's use the sum of three hundred thousand pounds, and have actually paid into the receipt of his Majesty's exchequer the sum of one hundred and eleven thousand two hundred and fifty pounds, in part of the said sum of three hundred thousand pounds: and whereas the corporation or body politick, called The Royal Exchange assurance of houses and goods from fire, created and established by another charter under the great seal of Great Britain, bearing date the nine and twentieth day of April in the present seventh year of his Majesty's reign, have covenanted with his Majesty, his heirs and successors, to pay, or cause to be paid, to his*

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Majesty, his heirs and successors, at the receipt of his Majesty's exchequer at Westminster, the sum of one hundred and eighty eight thousand seven hundred and fifty pounds (remainder of the last mentioned sum of three hundred thousand pounds) at or before such days or times, and in such proportions, as are hereafter mentioned; that is to say, thirty eight thousand seven hundred and fifty pounds, part thereof, within three calendarly months after the date of the said charter, for the said corporation, called The Royal Exchange assurance of houses and goods from fire; fifty thousand pounds, other part thereof within nine calendarly months after the date of the same charter; fifty thousand pounds, more thereof, within fifteen calendarly months after the date of the same charter; and fifty thousand pounds, residue thereof, within one and twenty calendarly months after the date of the same charter: and whereas the said respective corporations, called The London assurance, and The Royal Exchange assurance, have severally secured the payment of the said several sums of thirty eight thousand seven hundred and fifty pounds into the receipt of the exchequer, for his Majesty's use, according to their said respective covenants contained in the said charters for assurance of houses and goods from fire: and whereas his Majesty, in tender consideration of the great difficulties which the said corporations do severally labour under, is graciously pleased that the several sums remaining unpaid by them, as aforesaid, (except the said several sums of thirty eight thousand seven hundred and fifty pounds, which were made payable within three calendarly months after the dates of the said respective charters for assurances relating to houses and goods from fire) shall be absolutely remitted and discharged; be it therefore further enacted by the authority aforesaid, That the said several sums of fifty thousand pounds, which by the tenors of the said charters relating to the assurances of houses and goods from fire, was intended to be paid by the said respective corporations within nine months after the dates of the same charters; and the said several sums of fifty thousand pounds, which by the tenors of the same charters were intended to be paid by the said respective corporations within fifteen months after the dates thereof; and the said several sums of fifty thousand pounds, which by the tenors of the same charters were intended to be paid by the said respective corporations within one and twenty months after the dates thereof (all which sums do amount in the whole to three hundred thousand pounds) and all actions, suits, executions and demands whatsoever, for, touching or concerning the same, are and shall, by force and virtue of this act (upon and after payment of the said several sums of thirty eight thousand seven hundred and fifty pounds, and redeeming the said securities for the same) be remitted, released and for ever discharged; any thing in the said former act of parliament for erecting the said corporations, or in any charters or letters patent relating thereunto, to the contrary notwithstanding.

XXVII. *And whereas there is deficient in the East-India company's fund of one hundred and sixty thousand pounds per annum, several sums computed for several years ended at Michaelmas one thousand seven hundred and nineteen, amounting in the whole to one*

Clause for payment of 191,028l. 16s. 6d. 2q. Deficiencies due to the East-India

company at
Mich. 1719.
out of over-
plus monies in
the exchequer.

hundred ninety one thousand twenty eight pounds sixteen shillings and six pence halfpenny; which sum of one hundred and sixty thousand pounds per annum, is payable after the rate of five pounds per centum per annum, for a national debt of three millions two hundred thousand pounds, incurred before the twenty fifth day of December one thousand seven hundred and sixteen, provided for by former acts of parliament in that behalf, and still remaining unsatisfied: and whereas the particular duties on salt, charged towards making good the said yearly fund, have, in and for the year ended at Michaelmas one thousand seven hundred and twenty, produced an overplus, amounting to two thousand nine hundred and sixteen pounds three shillings and a penny; which sum last mentioned doth now remain in the receipt of his Majesty's exchequer: now to the end all the deficient sums, amounting to one hundred ninety one thousand twenty eight pounds sixteen shillings and six pence halfpenny, may be justly satisfied, be it further enacted by the authority aforesaid, That the said sum of two thousand nine hundred and sixteen pounds three shillings and a penny, now remaining in the exchequer for overplus-monies of the aforesaid particular duties upon salt, and so much of the monies now remaining in the exchequer of the surplusses, excesses, and overplus-monies, commonly called the sinking fund, as (together with the said sum of two thousand nine hundred and sixteen pounds three shillings and a penny) shall completely make up the said sum of one hundred ninety one thousand twenty eight pounds sixteen shillings and six pence halfpenny, shall be issued and paid to the said East-India company, or their treasurer or cashier, for their use, in full satisfaction of the deficiencies before-mentioned; and that the commissioners of his Majesty's treasury now being, or any three or more of them, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall and may cause the same to be issued and paid accordingly, without any other or further warrant to be sued for, had or obtained in that behalf; any former law or statute whatsoever to the contrary notwithstanding.

C A P. XXVIII.

An act for raising money upon the estates of the late sub-governor, deputy-governor, directors, cashier, deputy-cashier, and accountant of the South-Sea company, and of John Aislabic, esquire, and likewise of James Craggs, senior, esquire, deceased, towards making good the great loss and damage sustained by the said company; and for disabling such of the said persons as are living, to hold any office or place of trust under the crown, or to sit or vote in parliament for the future, and for other purposes in the said act expressed.

Farther provisions concerning the matters in this act,

WHEREAS many corruptions, breaches of trust, frauds and abuses, have been contrived, committed, and practised, relating to capital stock, or pretended capital of the governor and company of

merchants of Great Britain, trading to the South-Seas, and other parts of America, and for encouraging the fishery, (commonly called the South-Sea company) or to subscriptions, or pretended subscriptions for the same, or to dividends, or pretended dividends in respect thereof, whereby the said company hath sustained an immense loss and damage, and the publick credit hath been extremely reduced and disordered, and many of his Majesty's subjects have been defrauded and impoverished, contrary to the purport and true intent and meaning of the act of parliament made and passed in the sixth year of his Majesty's reign, intituled, An act for enabling the South-Sea company to increase their present capital stock and fund, by redeeming such publick debts and incumbrances as are therein mentioned; and for raising money to be applied for lessening severall of the publick debts and incumbrances; and for calling in the present exchequer-bills remaining uncanceled; and for making forth new bills in lieu thereof, to be circulated and exchanged upon demand at or near the exchequer: and whereas Sir John Fellows, baronet, late sub-governor, Charles Joye, esquire, late deputy-governor, and William Astell, esquire, Sir Lambert Blackwell, baronet, Sir John Blunt, baronet, Sir Robert Chaplain, baronet, Sir William Chapman, knight and baronet, Robert Chester, esquire, Stephen Child, esquire, Peter Delaport, esquire, Francis Eyles, esquire, James Edmonson, esquire, Edward Gibbon, esquire, John Gore, esquire, Sir William Hammond, knight, Francis Hawes, esquire, Richard Horley, esquire, Richard Holditch, esquire, Sir Theodore Janssen, knight and baronet, Sir Jacob Jacobson, knight, Arthur Ingram, esquire, Sir John Lambert, baronet, Sir Harcourt Master, knight, William Morley, esquire, Ambrose Page, esquire, colonel Hugh Raymond, Samuel Read, junior, esquire, Thomas Reynolds, esquire, Jacob Sawbridge, esquire, William Tillard, esquire, and John Turner, esquire, late directors of the corporation of the governor and company of merchants of Great Britain trading to the South-Seas, and other parts of America, and for encouraging the fishery; and also Robert Knight, late treasurer or cashier, Robert Surman late deputy-cashier, and John Grigby, late accountant to the said corporation, (in confederacy with the said late sub-governor, late deputy-governor and late directors) under colour of the act herein before-mentioned, have contrived and carried on many notorious, fraudulent, and indirect practices, contrary to the intention of the said act, not only to the immense loss and damage of the said company, amounting to seven millions and upwards, but also to the great detriment of the publick, in breach of their trust, and to the manifest wrong and oppression of great numbers of his Majesty's subjects: and whereas John Aislabic, esquire, late chancellor and under-treasurer of the exchequer, and one of the commissioners of his Majesty's treasury, and a member of the house of commons, in breach of the great trusts in him reposed, and with a view to his own exorbitant profit, has combined with the said late directors of the South-Sea company in their pernicious practices, and has been guilty of most dangerous and infamous corruption, to the detriment of great numbers of his Majesty's subjects, and manifest prejudice of the publick credit, and of the trade of this

8 Geo. 1. c. 23.

13 Geo. 1. c. 22.

f. 2.

2 Geo. 2. c. 8.

6 Geo. 1. c. 4.

7Geo. 1. stat. 1.
c. 1.

kingdom: and whereas James Craggs the elder, esquire, was a notorious accomplice and confederate with the said Robert Knight and some of the late directors of the South-Sea company, in carrying on their corrupt and scandalous practices; and did by his wicked influence, and for his own exorbitant gain, promote and encourage the pernicious execution of the late South-Sea scheme: and whereas in and by one act of this session of parliament, intituled, An act for restraining the sub-governor, deputy-governor, directors, treasurer or cashier, deputy-cashier, and accountant of the South-Sea company, from going out of this kingdom for the space of one year, and until the end of the then next session of parliament; and for discovering their estates and effects, and for the preventing the transporting or alienating the same, several provisions are made for the discovering and securing the estates and effects of the said late sub-governor and deputy-governor, and of the said late directors, and of the said late treasurer or cashier, deputy-cashier and accountant, so as they might be liable to justice in parliament, as by the same act (relation being thereunto had) may more fully appear: now to the end that the several estates real and personal of the said late sub-governor, deputy-governor, directors, treasurer or cashier, deputy-cashier and accountant; and to the end that so much of the amount or value of the estates of the said John Aislabic, or of any in trust for him, which are hereafter in and by this act vested in trustees herein after named, as do or shall exceed the amount or value of the estates which belonged to the said John Aislabic, or any in trust for him, on the first day of October one thousand seven hundred and eighteen; and to the end that so much of the amount or value of the estates which belonged to the said James Craggs, or any in trust for him, at the time of his death, as exceeded the amount or value of the estates which belonged to him, or any in trust for him, on the first day of December one thousand seven hundred and nineteen, may all be made subject and liable, and be disposed (so far as the same will extend) as soon as conveniently may be, for or towards the uses and purposes hereafter in this act expressed concerning the same; may it please your most excellent Majesty that it may be enacted, &c.

All the estates of the late sub-governor, deputy-governor, and directors of the South-Sea company, &c. and of John Aislabic, esquire, and of James Craggs deceased, vested in Sir John Eyles, baronet, &c. from 1 June 1720. and from the day of the death of James Craggs, to be sold for the uses in the act. Exceptions. Where the directors, &c. were possessed of an estate tail, the same shall be vested in the trustees in fee-simple to be sold. Trustees to use all lawful means for discovering and recovering the estates vested in them, as the late directors, &c. might have done. The directors, &c. before 20 September 1721. to deliver to the trustees all deeds, &c. on oath, with schedules. Late directors, &c. refusing to bring in their deeds, &c. trustees may commit them. Trustees may make compositions touching debts, &c. with the approbation of the directors of the South-Sea company. Trustees may take possession of all the said estates vested in them, &c. Such of the estates, for which no claim shall be entred, shall be sold as soon as conveniently may be, and such for which claims shall be entred, after the claims are determined. The price to be paid to the cashier of the South-Sea company. Then the trustees to execute a contract of bargain and sale, &c. to be inrolled in chancery. Any persons may be purchasers. Such purchasers adjudged to be in the actual possession thereof, and the

the trustees are to give them possession. If any of the said estates shall, under colour of this act, be sold to the use of any of the trustees, or their subordinate officers, the person accepting shall forfeit the estate so purchased, and 500l. All conveyances, &c. of any the said estates, made since 5 January 1720. adjudged fraudulent. Not to avoid any conveyances, &c. for a valuable consideration after 1 June 1720. and before 5 January 1720. All persons having debts contracted before 5 January 1720. or having any particular estate in law or equity out of the said manors, &c. by any settlement, &c. made before 5 January 1720. may enter their claims before the trustees before 25 December 1721. and in default, every such debt, &c. shall be void. Entries to be made at the trustees publick office. Trustees may inquire by witnesses, or by examination of the claimants on oath, or by inspection of mortgages, &c. and shall make their report to the directors of the South-Sea company; and if they shall be satisfied in the justice of the claim, &c. and if the claimants shall, in a book to be kept in the office, declare their acquiescence therein before 1 August 1722. then the trustees are to give warrant for payment of the debt so adjusted, &c. Any three of the justices of the King's bench, common pleas, or exchequer, sitting at the same time and place, shall determine all differences touching debts, estates, &c. Their order shall be final. On complaint to the justices, &c. before 25 December 1722. they are to summon the trustees to appear before them, and make final orders therein. When the justices, &c. find any debt due to the claimant, &c. they are to certify it to the trustees before 25 March 1723. Powers for determining differences relating to claims to continue till 25 March 1723. Trustees not to order any payments for the debts of any one of the late directors, &c. beyond the clear value of his estate. Creditors when satisfied, to assign over their securities to such as the trustees shall nominate. All such money as shall be due to his Majesty for publick revenues, &c. shall be paid out of such monies as shall arise out of the late directors estates. Persons indebted to the late directors, &c. are to give notice thereof at the trustees office before 25 December 1721. or that there is some account depending between them, on forfeiture of the value; and having any chattels personal of the said directors, are to give like notice, on forfeiture of the like value thereof: and all tenants, &c. are to give like notice, on pain of three years value. John Aislabe not to depart this realm for one whole year from 8 December 1720. and till the end of the then next session; and to enter into recognizance before 20 September 1721. Neglecting to enter into the said recognizance, to be committed to the Fleet. If the late directors, &c. after 7 July 1721. for one whole year, from 5 January 1720. or before the end of the then next session, transport any of their effects, they shall be guilty of felony, &c. Persons who have accepted any trust, or concealed the estates of the late directors, &c. not discovering before 25 December 1721. forfeit treble the value, and imprisoned for a year. Persons voluntarily discovering any estates, not inventoried, before 25 March 1723. to have 10l. per centum. John Aislabe before 25 December 1721. to deliver in a true inventory of the real and personal estate to him belonging at the time from which they are vested in the trustees. And one inventory importing what estate belonged to him on 1 October 1718. Trustees to compute the clear value of the estates which belonged to him on 1 October 1718. and make report to the South-Sea directors by 25 December 1722. If the values cannot be settled before 25 December 1722. then the justices and barons are to determine the same before 25 March 1723. If the inventories are settled to the satisfaction of the directors, then a deduction shall be made out of them of the clear estate which he had on 1 October 1718, &c. The remainder shall be paid to the cashier of the company for the uses of this act, within 30 days after the values are settled, or security to be given. After such payment or security, all the said estates vested in Mr. Aislabe. Not to extend to that part of his real estate which belonged to him 1 October 1718. or any household goods which he now possesseth, till his particulars shall be settled, &c. The heirs, &c. of James Craggs, to deliver to the trustees an inventory of his real and personal estate, at the time of his decease, &c. and another inventory importing what estate did belong to him on 1 December 1719.

Trustees to examine the inventory, and examine witnesses on oath, &c. Trustees to compute the clear value of Mr. Cragg's estate, on 1 December 1719, &c. If the value cannot be settled by 25 March 1722. then the barons are to determine the same before 25 March 1723. If the particulars are settled to the satisfaction of the directors, then a deduction shall be made out of them of the clear value which he had on 1 December 1719, &c. And the remainder to the cashier of the South-Sea company, within 30 days after the values are settled, or security given. After such payments or security, all the said estates reverted in James Cragg's heirs, &c. Not to extend to that part of the real estate which belonged to him on 1 December 1719. or any household goods, till his particulars shall be settled, &c. Late directors, &c. disabled from holding any place, or to sit in parliament. Not to invalidate any assignments of stock, &c. before 10 July 1721. by any of the late directors, &c. for securing any debt to his Majesty, &c. 36000l. in malt tallies, payable to Richard Hampden, esq; and assigned to Robert Knight, and several promissory notes, may be paid to the cashier of the South-Sea company, and his receipt shall be a discharge. But subject to claims. Trustees to enter all their proceedings in a book for that purpose, and to give a distinct account to the King and both houses of parliament. All the clear monies arising out of the estates, appropriated to the use of the company. *This clause is explained by 13 Geo. 1. c. 22. sect. 9.* Every director, &c. to have out of his particular estate, such provision as is set down in the schedule annexed. EXP.

CAP. XXIX.

An act for the King's most gracious, general and free pardon.

General pardon of all crimes (not excepted) committed before 24 July 1721. Excepted, all who on 24 July 1721. were in the service of the pretender, &c.

CAP. XXX.

An act for appointing commissioners to examine, state and determine the debts due to the army. EXP.

CAP. XXXI.

An act for explaining and making more effectual the several acts concerning bankrupts.

WHEREAS merchants, and other traders in goods, have been very often obliged, and more especially of late years, to sell and dispose of their goods and merchandizes to such persons as have occasion for the same, upon trust or credit, and to take bills, bonds, promissory notes, or other persons securities for their monies, payable at the end of three, four or six months, or other future days of payment, and the buyers of such goods becoming bankrupts, and commissions of bankruptcy being taken out against them before the money upon such bonds, notes, or other securities became payable, it hath been a question whether such persons, giving such credit or such securities, should be let in to prove their debts, or be admitted to have any dividend, or other benefit by the commission, before such time as such securities became payable, which hath been a great discouragement to trade, and great prejudice to credit within this realm; for remedy whereof be it enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That all and every person and persons, who have given credit, or at any time or times hereafter shall give credit on such securities, as aforesaid, to any person

Person taking bills, bonds, &c. payable at a future day for goods delivered to such as after become bankrupt, shall be

son or persons who is, are, or shall become bankrupts, upon a good and valuable consideration *bona fide*, for any sum or sums of money, or other matter or thing whatsoever, which is or shall not be due or payable at or before the time of such person's becoming bankrupt, shall be admitted to prove his, her and their several and respective bills, bonds, notes, or other securities, promise or agreements for the same, in like manner as if they were made payable presently, and not at a future day; and shall be intitled unto, and shall have and receive a proportionable part, share and dividend of such bankrupt's estate in proportion to the other creditors of such bankrupts, deducting only thereout a rebate of interest, and discounting such securities payable at future times, after the rate of five pounds *per centum per annum* for what he shall so receive, to be computed from the actual payment thereof to the time such debt, duty or sum of money should or would have become due and payable in and by such securities, as aforesaid.

II. And be it further enacted by the authority aforesaid, That all and every person or persons, who now are or shall become bankrupts, shall be discharged of and from all and every such bond, note, or other security, as aforesaid, and shall have the benefit of the several statutes now in force against bankrupts, in like manner, to all intents and purposes, as if such sum of money had been due and payable before the time of his becoming a bankrupt.

III. Provided always, and it is hereby declared, That no such creditor shall be deemed or taken to be a sufficient creditor, or in respect of such debt, to petition or join in any petition for the obtaining or suing forth any commission of bankruptcy, until such time as such debt shall become actually due and payable. *This last section is repealed by 5 Geo. 2. c. 30. sect. 22.*

CAP. XXXII.

An act to explain and amend the act of the twelfth year of her late Majesty's reign, intituled, *An act for repairing the highway or road from the stones-end in the parish of St. Leonard Shoreditch in the county of Middlesex, to the furthermost part of the northern road in the parish of Enfield in the same county, next to the parish of Cheshunt in the county of Hertford.*

Waggons, &c. laden with bricks, hay, &c. passing through any turnpike erected by virtue of the private act, 12 Ann. stat. 1. c. 1. shall pay the tolls.



Anno Regni GEORGII I. Regis Magnæ Britanniae, Franciæ & Hiberniæ, septimo.

There is no distinction on the roll of a new session.

AT the parliament begun and holden at Westminster, the seventeenth day of March, Anno Domini one thousand seven hundred and fourteen, in the first year of the reign of our sovereign lord GEORGE, by the Grace of God, of Great Britain, France and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the thirty first day of July one thousand seven hundred and twenty one; being the seventh session of this present parliament.

STAT. II.

An act for making several provisions to restore the publick credit, which suffers by the frauds and mismanagements of the late directors of the South-Sea company, and others.

Preamble reciting the act of 6 Geo. 1. c. 4.

7 Geo. 1. stat. 7. c. 5.

WHEREAS in and by an act of parliament of the sixth year of his Majesty's reign, intituled, An act for enabling the South-Sea company to increase their present capital stock and fund, by redeeming such publick debts and incumbrances as are therein mentioned; and for raising money to be applied for lessening several of the publick debts and incumbrances; and for calling in the present exchequer-bills remaining uncanceled; and for making forth new bills in lieu thereof, to be circulated and exchanged upon demand at or near the exchequer, it was enacted, That the said company should pay into the receipt of his Majesty's exchequer the sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, by such proportions, and at such times, as were thereby appointed for the payment thereof; and such further sums to be computed after the rate of four years and an half's purchase, and such further sums to be computed after the rate of one year's purchase, as are therein mentioned, by quarterly payments, at such feast-days as were thereby limited for payment of the same; and in and by an act of parliament of the seventh year of his Majesty's reign, intituled, An act to enable the South-Sea company to ingraft part of their capital stock and fund into the stock and fund of the bank of England, and another part thereof into the stock and fund of the East-India company; and for giving further time for payments to be made by the said South-Sea company, to the use of the publick, it is provided, declared and enacted, That the said company shall pay, and be obliged, by force and virtue of that act, to pay into the receipt of his Majesty's exchequer the said sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, and the said several sums after the rate of four years and an half's purchase, and one year's pur-

purchase; and that the same shall be payable by such proportions, and at or by such respective days or times of payment, as are therein limited and appointed, and herein after mentioned for the payment thereof, and not otherwise; that is to say, one full and equal fourth part of the respective sums so payable, shall be paid on or before the feast of the annunciation of the blessed Virgin Mary, which shall be in the year of our Lord one thousand seven hundred and twenty two; one other full and equal fourth part thereof, on or before the feast of the nativity of Saint John Baptist, which shall be in the year of our Lord one thousand seven hundred and twenty two; one other full and equal fourth part thereof, on or before the feast of Saint Michael the archangel, which shall be in the year of our Lord one thousand seven hundred and twenty two; and the remaining full and equal fourth part of the said respective sums so payable, on or before the feast of the birth of our Lord Christ, which shall be in the said year of our Lord one thousand seven hundred and twenty two; and that the said South-Sea company, and their stock and funds, (except as therein is excepted) are and shall be subject and liable to the payment of the said several sums at or before the said respective days and times by the last mentioned act appointed for the payment thereof, without any deduction, defalcation or abatement whatsoever: and it is thereby further enacted, That in case default shall be made by the said South-Sea company in the payment of all or any part or parcel, parts or parcels, of the said several sums of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, and of the said sums to be paid after the rate of four years and an half's purchase, and one year's purchase, or any of them, at the respective days or times by that act limited for the payment thereof, then the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, or the officers of the exchequer for the time being, shall, and they respectively are thereby authorized, enjoined and required, to cause the money, whereof such default in payment shall be made, with interest for the same, after the rate of five pounds per centum per annum, (to be computed as is therein mentioned) to be stopp'd out of the monies which, weekly or otherwise, shall be payable to the said company at the exchequer, for or upon their annuities or yearly funds (except as therein is excepted) and to cause the principal and interest so stopp'd, to be applied as is therein after directed in that behalf; as by the said several acts of parliament, relation being thereunto respectively had, may more fully appear: and whereas by the many frauds, abuses, and breaches of trust, which were committed by the late sub-governor, deputy-governor, and directors of the said company, and others in confederacy with them, or some of them, the said company has suffered an immense loss and damage, and the publick credit (as well as the credit of the said company) hath been extremely reduced and disordered, contrary to the purport and true meaning of the act of parliament first above in part recited, where-
 6 G. o. 1. c. 4.
 by the said company is become unable to comply with all the payments required to be made by the act of parliament last in part before recited; and if their capital stock, and the annuities and yearly funds payable in respect thereof, should continue subject and liable to all the said pay-

payments, and to such stoppages as are directed by the said act last mentioned, the credit of the said company would be utterly impaired, and the sufferings of the members would be extremely increased: and whereas in regard to the inability of the said company, under the bad circumstances to which the same is reduced, and to the intent that the said company may be obliged and better enabled to give some further relief (as this act directs) to the several proprietors and persons concerned in interest in or with the said company, in order to the ascertaining and settling their respective properties and interests, and the re-establishing of the publick credit, and thereby quieting the minds of his Majesty's subjects, it is thought meet, that the said sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, and the said several and respective sums, which were intended to be computed after the said respective rates of four years and an half's purchase, and one year's purchase, be remitted and discharged, so as from and after the feast of the nativity of Saint John Baptist, which shall be in the year of our Lord one thousand seven hundred and twenty two, the sum of two millions sterling, part of the capital stock which shall then belong to the said company, be reduced and annihilated, and so as a proportionable part of their annuities or yearly funds, in respect of the said two millions, do from that time cease and determine for the benefit of the

From 24 June 1722. the sum of 4,156,306 l. 4 s. 11 d. and the four and an half year's purchase, and one year's purchase, and all actions, &c. discharged.

publick; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That the said sum of four millions one hundred fifty six thousand three hundred and six pounds four shillings and eleven pence, and the said several and respective sums, which were intended to be computed and paid after the said several and respective rates of four years and an half's purchase, and one year's purchase, and all actions, suits, executions, demands, stoppages, detentions, and other remedies for recovering or obtaining the same, or any part thereof, are and shall, by force and virtue of this present act, be and be deemed and adjudged to be remitted, released, and for ever discharged.

After 24 June 1721. two millions of the South-Sea company's capital stock to be reduced and annihilated, and a proportional part of their annuities, to cease. This clause repealed 9 Geo. 1. c. 6. sect. 1.

II. Provided always nevertheless, and it is hereby enacted, That from and after the said feast of the nativity of Saint John Baptist, which shall be in the year of our Lord one thousand seven hundred and twenty two, the full sum of two millions of pounds sterling, part of the capital stock which shall then belong to the said company, shall by force and virtue of this act, be and be deemed and adjudged to be reduced, sunk and annihilated for ever; and that a proportional part of their annuities or yearly funds, payable at the exchequer in respect of two millions, shall, by force and virtue of this act, from and after the said feast of the nativity of Saint John Baptist, which shall be in the year of our Lord one thousand seven hundred and twenty two, be no longer payable, but shall from thenceforth for ever cease and determine for the benefit of the publick; any thing in the said

recited acts, or either of them, or any other law, statute or provision whatsoever, to the contrary in any wise notwithstanding.

III. *And whereas several persons or corporations, who were intitled to several redeemable debts and annuities, payable at the receipt of the exchequer, or by the cashier of the bank of England, or otherwise, and who were enabled to subscribe the same into the capital stock of the said South-Sea company, did subscribe, or cause or procure to be subscribed, many of the said redeemable debts and annuities; and the proprietors of such of the said redeemable debts and annuities as were payable at the receipt of the exchequer, or at particular pay-offices at or near the exchequer, did deliver in their respective orders, tallies, tickets or other securities, for payments of such debts or annuities to persons for that purpose appointed; and the accounts of the proprietors of such of the said redeemable debts and annuities as were payable by the said cashier of the bank of England, were debited in the books of the bank; and an additional capital stock was, upon books or duplicates signed and attested by three or more of the directors or managers in that behalf appointed, created or settled by the commissioners of his Majesty's treasury for the time being, to be allowed to the said company for or in respect of the said redeemable debts and annuities; which said redeemable debts and annuities were subscribed, or pretended to be subscribed, at several high rates or prices in stock, exceeding the rate or price of four hundred per centum; and a general court of the said company, on or about the thirtieth day of September one thousand seven hundred and twenty, towards relieving those proprietors, did agree that the same redeemable debts and annuities, should be taken in at par, being one hundred pounds for each one hundred pounds principal money of those redeemable debts and annuities; and that the proprietors of the same should be entitled to the interest due thereon, until the twenty ninth day of September one thousand seven hundred and twenty, and be paid for the principal sums in the stock of the said company, at the rate of four hundred per centum, with an addition of ten per centum in stock for a dividend at Midsummer one thousand seven hundred and twenty: and whereas the said company, or their late court of directors, did exhibit, or cause to be exhibited, books for taking subscriptions of money for purchasing stock of the said company, commonly called the four money subscriptions; whereupon several persons or corporations did advance, or cause to be advanced, monies amounting to a large sum; and the general court of the said company, on or about the ninth day of March one thousand seven hundred and twenty, did resolve that no more money than what had been then actually paid on the said four money subscriptions, should be demanded or insisted on, and that stock should be given for the money actually paid by the respective proprietors in the said first money subscriptions, at three hundred per centum, with the dividend of Midsummer one thousand seven hundred and twenty, of ten per centum in stock; and that stock should be given for the money actually paid by the respective proprietors in the said second money subscription, at four hundred per centum, with the like dividend; and a general court of the said company, on or about the eighteenth day of the said month of March one thousand seven hundred*

For putting an end to all disputes between the company and the proprietors of subscribed redeemable funds, and the proprietors of the four money subscriptions:

dred and twenty, did resolve that stock should be given for the monies paid on the said third and fourth money subscriptions at the rate of four hundred per centum, with the like dividend of ten per centum in stock: now in order to put an end to all disputes between the said company and the proprietors of the said redeemable debts and annuities subscribed into the said company, and between the proprietors of the said money subscriptions; and for the further relief, as well of the proprietors of the said redeemable debts and annuities, as also of the proprietors of the said second, third and fourth money subscriptions, who now have or (pursuant to the said resolutions of the said general court) may have stock allowed them at the said rate of four hundred per centum, with the dividend of Midsummer one thousand seven hundred and twenty, in stock as aforesaid; be it further enacted by the authority aforesaid, That the said corporation, called the South-Sea company, shall, and the same is hereby enjoined and required to allow and make an addition after the rate of thirty three pounds, six shillings and eight pence, in stock, upon every one hundred pounds stock already allowed or allowable, as aforesaid, to the respective proprietors of the said redeemable debts and annuities, and to the respective proprietors of the said second, third and fourth money subscriptions; which said addition of thirty three pounds six shillings and eight pence, in stock to the said proprietors of redeemable debts and annuities, together with the stock already allowed them at the rate of four hundred per centum, with the dividend at Midsummer one thousand seven hundred and twenty, in stock as aforesaid, shall be in full discharge and satisfaction of their respective debts and annuities which were redeemable, and were subscribed or intended to be subscribed, as aforesaid, and for which the securities were delivered up, or for which the books at the office of the bank were debited, and for which an additional stock was created by the commissioners of the treasury as aforesaid; and the said addition of thirty three pounds six shillings and eight pence, in stock, to the proprietors of the monies which were actually paid upon the said second, third and fourth money subscriptions respectively, together with the stock already allowed or allowable to them at the rate of four hundred per centum, with the dividend at Midsummer one thousand seven hundred and twenty, in stock as aforesaid, shall be in full discharge and satisfaction of the monies which were actually paid upon the second, third and fourth money subscriptions respectively, notwithstanding any defect or error, or supposed defect or error, in taking in the said subscriptions of the said redeemable debts and annuities, and the said money subscriptions, or any of them, or any misnomer, misspelling or omission of entry of money paid for the said money subscriptions in any wise, and notwithstanding any doubt or question touching or concerning the validity of the subscriptions of the said redeemable debts and annuities in any wise; and that no more money shall be demanded or insisted on by the said company

An addition after the rate of 33 l. 6 s. 8 d. stock, upon every 100 l. Stock already allowed, to be given by the South-Sea company to the proprietors of the redeemable funds.

and to the proprietors of the second, third and fourth money subscriptions, with the Midsummer dividend, 1720.

which shall be in full discharge.

company (other than what was actually paid as aforesaid) on the said four money subscriptions, or any of them.

IV. *And whereas on or about the twenty third day of June one thousand seven hundred and twenty, several irredeemable annuities (part of them payable for several long terms of years, others payable for the remainder of a term of thirty two years, commonly called the nine per cents, and others of them payable for the remainder of another term of thirty two years, commonly called the lottery-annuities of one thousand seven hundred and ten) were subscribed into the capital stock of the said company, for several rates or prices, which the same company did resolve to give the proprietors, to wit, for the said long terms at thirty two years purchase, and the said shorter terms seventeen years purchase; which rates or prices were satisfied partly with money, and partly with stock at the rate of three hundred seventy five pounds per centum: and whereas on or about the fifteenth day of October one thousand seven hundred and twenty, several other irredeemable annuities, part of them payable for several long terms of years, others payable for the remainder of the said several terms of thirty two years, were subscribed into the capital stock of the said company; which subscriptions so made on or about the said fifteenth day of October one thousand seven hundred and twenty, are commonly called the second subscriptions of the irredeemable annuities; and by a resolution of the said general court, the annuities of the said second subscription were likewise to be paid for at several rates or prices, viz. The long terms at thirty two years purchase, and the said shorter terms at seventeen years purchase, all in stock at four hundred per centum, with the addition of the Midsummer dividend of ten per centum in stock thereon (except such odd sums as did not amount to one pound in stock, which were to be paid in money;) now for a further relief to be given to the proprietors of the said irredeemable annuities in the second subscription, by an addition of stock valued at one hundred and fifty per centum, be it further enacted by the authority aforesaid, That the said company shall make, or cause to be made, an addition at that rate in stock to the proprietors last mentioned, over and above the stock allowed or allowable to them by the said resolution of the general court; which addition shall be made in the respective proportions herein after mentioned; that is to say, On every annuity of one hundred pounds per annum, which was subscribed for the remainder of ninety nine years comprehended in the said second subscription, two hundred and three pounds, six shillings and eight pence stock, and so in proportion for every greater or lesser annuity which was subscribed for the remainder of ninety nine years; on every annuity of ninety eight pounds per annum, which was subscribed for the remainder of ninety six or eighty nine years, commonly called fourteen per centums, comprehended in the said second subscription, one hundred seventy eight pounds, five shillings and four pence stock, and so in proportion for every greater or lesser sum of such annuities; on every ninety pounds per annum, which was subscribed for the remainder of thirty two years, commonly called the nine per centums, comprehended in*

Clause for re-
lief of the ir-
redeemables.

Company to
make an ad-
dition in stock
to the proprie-
tors of the ir-
redeemables,
viz. On annui-
ties of 100 l.
per annum
subscribed for
the remainder
of 99 years,
comprehend-
ed in the se-
cond subscrip-
tion, 203 l. 6s.
8 d.
On the 74 l.
per cent. 178 l.
5s. 4 d.

On the 91. per
the cent. 73 l. 9s. 4d.

Prize lottery tickets, 1710. 65l. 16s. 8d.

Blank pay tickets of the said lottery, 126l. 14s. 8d.

The increased stock to be divided among all the proprietors.

Borrowers on South-Sea stock, on payment of 10l. per cent. on the sums so borrowed, to be discharged from all further demands of the company (except brokers.) This clause enforced by 2 Geo. 1. c. 21. s. 2.

Times of payment.

the said second subscription, seventy three pounds nine shillings and four pence stock, and so in proportion for every greater or lesser sum of such annuities; on every annuity of one hundred pounds *per annum*, which was subscribed for the remainder of thirty two years, commonly called benefits of the lottery one thousand seven hundred and ten, comprehended in the said second subscription, sixty five pounds, sixteen shillings and eight pence stock, and so in proportion for every greater or lesser sum of such annuities; and on every ninety eight pounds *per annum*, subscribed for the remainder of thirty two years, commonly called blank pay-tickets of the said lottery, one thousand seven hundred and ten, comprehended in the said subscription, one hundred twenty six pounds fourteen shillings and eight pence stock, and so in proportion for any greater or lesser sum of such annuities; and that all dividends due, or to become due, from and after the feast of the nativity of our Lord Christ one thousand seven hundred and twenty, shall be payable upon the said several additions of stock as aforesaid.

V. And be it further enacted by the authority aforesaid, That all the increased capital stock which was gained by the said company, by taking in publick debts and incumbrances which were intended to be taken in by the said act of the sixth year of his Majesty's reign, and which, after the distribution of such parts thereof as are intended, pursuant to any the former clauses in this act, to be distributed, shall remain undisposed, shall be divided to and among all the proprietors of the whole capital stock of the said company, in proportion to their several and respective interests therein; and that credit be given for the same respectively in the books of the said company.

VI. And be it further enacted by the authority aforesaid, That such persons (brokers, or such persons as have acted as brokers for brokeridge, excepted) as at any time or times since the five and twentieth day of *March* in the year of our Lord one thousand seven hundred and twenty, have borrowed money from the said *South-Sea* company upon any share or shares in the stock of the said company, actually transferred and pledged (at the time of borrowing, or within twenty one days after) to or for the use of the said company, or the respective heirs, executors or administrators of such persons, who shall pay to the cashier of the said company for the time being, to and for the use of the said company, at their publick office in *London*, so much money as a rate of ten *per centum*, to be computed upon the respective sums so borrowed, shall amount unto; to wit, one moiety thereof on or before the five and twentieth of *December* one thousand seven hundred and twenty one, and the other moiety thereof on or before the five and twentieth day of *June* one thousand seven hundred and twenty two; shall (upon such payment made, or being lawfully tendred and refused, and not otherwise) by force and virtue of this present act, be discharged of, from and against all further demands of the said company, in law or equity, of, for or in respect of the monies so borrowed upon

upon stock; and that all the stock so transferred and pledged, for which such payment shall be made, or lawfully tendred and refused, together with the dividends and profits belonging or to belong to such stock respectively, shall be, and is, and are, by virtue hereof, absolutely vested in the said company, for the use and benefit thereof. But the stock to be vested in the company.

VII. And furthermore it is hereby enacted by the authority Borrowers on afore-subscriptions said, That such persons (except as before excepted) as at any time or times since the five and twentieth day of *March* in the year of our Lord one thousand seven hundred and twenty, have borrowed money from the said *South-Sea* company upon receipts which were given for any the payments made upon any of the said money subscriptions, and were actually pledged to the said company (at the time of borrowing, or within twenty one days after) or the respective heirs, executors or administrators of such persons, who shall pay to the cashier of the said company for the time being, to and for the use of the said company, at their publick office in *London*, so much money as a rate of ten *per centum*, to be computed upon the respective sums so borrowed, shall amount unto, to wit, one moiety thereof on or before the five and twentieth day of *December* one thousand seven hundred and twenty one, and the other moiety thereof on or before the five and twentieth day of *June* one thousand seven hundred and twenty two; shall (upon such payment made, or being lawfully tendred and refused, and not otherwise) by force and virtue of this present act, be discharged, of, from and against all further demands of the said company, in law or equity, of, for or in respect of the monies so borrowed upon the said subscription-receipts; and that all the subscription-receipts so pledged, for which such payments shall be so made, or lawfully tendred and refused, together with all the benefits to attend the same, and all the dividends and profits belonging or to belong thereunto respectively, shall be, and is, and are, by virtue hereof, absolutely vested in the said company, for the use, benefit and advantage thereof. But the subscription receipts to be vested in the company.

VIII. *And forasmuch as it is necessary to make some regulations or orders touching contracts for the sale or purchase of subscriptions or stock of the said South-Sea company, or any other company or corporation, or pretended company or corporation, for preventing a multiplicity of vexatious and doubtful suits in law or equity concerning the same, or some of them; it is therefore hereby further enacted by the authority afore-All contracts for sale or purchase of subscriptions of stock unperformed, or not compounded on 29 Sept. 1721. to be entered in books before 1 Nov. 1721.* said, That every contract for the sale or purchase of subscriptions or stock of the said *South-Sea* company, or any other company or corporation, or pretended company or corporation, which shall be unperformed in whole or in part, or shall not be compounded by or between the parties thereunto, or interested therein, on or before the twenty ninth day of *September* in the year of our Lord one thousand seven hundred and twenty one, or an abstract or memorial thereof signed by the party interested therein, and who shall be minded to take advantage of the same, shall be entred and registred in books, which

which are hereby required timely to be provided and kept for that purpose by the respective company or corporation, to whose capital such stock or subscriptions do or shall relate, at some time or else be void. before the first day of *November* one thousand seven hundred and twenty one; and in default of such entry or register every such contract, as to so much as shall remain unperformed, and not compounded, on or before the said twenty ninth day of *September* one thousand seven hundred and twenty one, shall be void: and it is hereby enacted, That such entries shall express the names of the parties or persons, for whose use or benefit such contracts were made; and that none of the stamp-duties shall be due or payable for the same; and that no fee, gratuity or reward shall be demanded or taken, directly or indirectly, for entering or registering any such contract, or any abstract or memorial thereof, as aforesaid, on pain of forfeiting two hundred pounds to the party grieved, by the company or corporation, who ought to have registred the same *gratis*, to be recovered by action of debt, bill, suit or information, in any of his Majesty's courts of record, wherein no effoin, protection, privilege, wager of law or any more than one imparlance shall be granted or allowed.

No stamp duties.
No fee for registering, on pain of 200l.

Contracts unperformed on 29 Sept. 1721, where the seller, &c. was not actually possessed of such stock declared void.

No special bail for contracts made since 1 Dec. 1719, and before 1 Dec. 1720.

Not any execution till the end of the session of parliament next after 29 Sept. 1721.

IX. And it is hereby enacted, That all contracts for the sale or purchase of any subscription or stock of the said *South-Sea* company, or any other company or corporation, which shall be unperformed in whole or in part, and not compounded on or before the said twenty ninth day of *September* in the year of our Lord one thousand seven hundred and twenty one, where the seller, or the person on whose behalf such contract was made, was not, at the time of such contract, or within six days after, actually possessed of, or entitled, in his, her or their own right, to such subscription or stock, shall be and is hereby declared null and void, with respect to so much only of the said stock or subscription as the seller, or the person upon whose account such sale was made, was not possessed of, or entitled to, as aforesaid.

X. And be it further enacted by the authority aforesaid, That no special bail shall be required in any action brought or to be brought upon any contract made since the first day of *December* one thousand seven hundred and nineteen, and before the first day of *December* one thousand seven hundred and twenty, for the sale or purchase of any subscription or stock of the *South-Sea* company, or any other company or corporation, or pretended company or corporation whatsoever; and that no execution shall be awarded upon any judgment or decree, obtained or to be obtained in any action or suit brought or to be brought upon any contract for the sale or purchase of any subscription or stock of the said *South-Sea* company, or any other company or corporation, or pretended company or corporation, until the end of the session of parliament, which shall be next after the said twenty ninth day of *September* in the year of our Lord one thousand seven hundred and twenty one.

*Anno Regni GEORGII I. Regis Magnæ
Britanniæ, Franciæ & Hiberniæ, octavo.*

AT the parliament begun and holden at Westminster, the seventeenth day of March, Anno Domini one thousand seven hundred and fourteen, in the first year of the reign of our sovereign Lord George by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. and from thence continued by several prorogations to the nineteenth day of October one thousand seven hundred and twenty one, being the eighth session of this present parliament.

CAP. I.

An act for granting an aid to his Majesty by a land-tax to be raised in Great-Britain, for the service of the year one thousand seven hundred and twenty two. E X P. 2s. in the pound.

CAP. II.

An act for continuing the duties on malt, mum, cyder and perry, to raise money by way of a lottery, for the service of the year one thousand seven hundred and twenty two; and for transferring the deficiencies of a late malt-act to the land tax for the said year; and for giving time for inserting the money given with apprentices in their indentures; and touching lost bills, tickets or orders; and for exchanging the tickets in the exchequer for certificates; and for suppressing lotteries, denominated sales, and other private lotteries; and for enlarging the time for the accountant general of the bank of England to return duplicates of annuities into the exchequer.

XXXVI. **A**ND whereas, notwithstanding the provision already made by several acts of parliament, for suppressing and preventing of unlawful lotteries, and offices and places, under the denomination of sales, and taking or making, buying or selling subscriptions for the sale of chances, or part of chances, to arise on tickets made out in pursuance of any act of parliament for a publick lottery, many ill-disposed persons, with a design to evade such laws, have of late presumed and do daily presume to erect and set up offices or places under the denomination of sales of houses, lands, plate, jewels, ships, goods and other things; and also have presumed to make, print and publish, or cause to be made, printed or published, proposals or schemes for advancing small sums of money by several persons, amounting in the whole to large sums, to be divided among them by the chances of the prizes in some publick lottery or lotteries, established or allowed by act of parliament, and to deliver out tickets to the

Clauses for the more effectual suppressing unlawful lotteries, denominated sales, &c.

Amended and enforced 12 Geo. 2. c. 28.

Persons who after 21 Dec. 1721, shall erect offices for sale, &c. by way of lottery, &c. shall forfeit 500l. one third to the crown, another to the informer, and the other to poor where, &c.

Persons aggrieved may appeal to quarter-sessions.

persons advancing such sums, to entitle them to a share of the money so advanced according to such proposals, and advertisements thereof are daily published in the common printed news-papers and otherwise, which practices are highly prejudicial to the publick and to the trade of this kingdom, and tend to defraud his Majesty's subjects: be it further enacted by the authority aforesaid, That all and every person or persons who, after the twenty first day of December in the year of our Lord one thousand seven hundred and twenty one, shall erect, set up, continue or keep, or shall cause or procure to be erected, set up, continued or kept, any office or place under the denomination of sales of houses, lands, advowsons, presentations to livings, plate, jewels, ships, goods or other things, for the improvement of small sums of money; or shall sell or expose to sale any houses, lands, advowsons, presentations to livings, plate, jewels, ships, goods or other things by way of lottery, or by lots, tickets, numbers or figures; or shall make, print, advertize or publish, or cause to be made, printed, advertized or published, proposals or schemes for advancing small sums of money by several persons, amounting in the whole to large sums, to be divided among them by the chances of the prizes in some publick lottery or lotteries, established or allowed by act of parliament; or shall deliver out, or cause or procure to be delivered out, tickets to the persons advancing such sums to entitle them to a share of the money so advanced according to such proposals or schemes; or shall make, print or publish, or cause to be made, printed or published, any proposal or scheme of the like kind or nature, under any denomination, name or title whatsoever; and shall be thereof convicted upon the oath or oaths of one or more credible witness or witnesses, by two or more justices of the peace of the county, division or liberty where such offence shall be committed, or the offender shall be found (which oath such justices of the peace are hereby empowered and required to administer) the person so convicted shall for every such offence, over and above any former penalties inflicted by any former act or acts of parliament made against any private or unlawful lotteries, forfeit the sum of five hundred pounds, one third part thereof to his Majesty, his heirs and successors, one other third part thereof to the informer, and the remaining third part thereof to the poor of the parish where such offence shall be committed; the same to be levied by distress and sale of the offender's goods, by warrant under the hands and seals of such justices before whom such offender shall be convicted as aforesaid; and shall also for every such offence by such justices be committed to the county-gaol, there to remain without bail or mainprize for the space of one whole year, and from thence till the said sum of five hundred pounds, so forfeited as aforesaid, shall be fully paid and satisfied: provided nevertheless, that any person who shall think himself or herself aggrieved by the judgment or determination of two or more such justices, in any the cases aforesaid, shall have liberty to appeal to the next quarter-sessions to be held for the county, city

city or place where such judgment or determination shall be made or given; and that the judgment to be given by the justices at the said next quarter-sessions shall be final.

XXXVII. And be it further enacted by the authority aforesaid, That all and every person and persons who, after the time aforesaid, shall be adventurer or adventurers in, or shall pay any money or other consideration, or any ways contribute unto, or upon the account of any such sales, lotteries, proposals or schemes aforesaid, shall forfeit for every such offence double the sum paid or contributed, to be recovered with costs of suit by action of debt, bill, plaint or information in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, wager of law, nor any more than one imparlance shall be allowed; one moiety thereof to his Majesty, his heirs and successors, the other moiety thereof to the person or persons who shall inform or sue for the same.

Persons contributing to sales, &c. to forfeit double the sum contributed, one moiety to the crown, the other to the informer.

Clause for relief of persons who have omitted to insert the monies given with clerks and apprentices. Clause for giving further time to the accountant general of the bank to return attested duplicates of annuities into the exchequer.

CAP. III.

An act for punishing mutiny and desertion, and for the better payment of the army and their quarters. EXP.

CAP. IV.

An act for taking off the duty upon all salt used in the curing of red herrings, and laying a proportionable duty upon all red herrings consumed at home only; and for ascertaining the customs and excise payable for the sugar-houses in Scotland; and for making an allowance for salt lost in any harbour or river of this realm; and for the better securing the duties on salt delivered in Scotland.

WHEREAS by an act of parliament made in the fifth year of his present Majesty's reign, intituled, An act for recovering the credit of the British fishery in foreign parts; and for better securing the duties on salt, it is enacted, That all curers of fish shall be allowed to import foreign salt, or take from any salt-works or salt-pits any such quantity of British salt, where the same is allowed by law, for curing of fish for exportation, as they shall think proper, for curing fish for foreign markets, without paying any duty to his Majesty for the same, except the customs payable upon the importation thereof; in consequence whereof all red herrings spent within this realm are or should be cured with salt that has paid the duties; but in regard the same are cured promiscuously, it is difficult to distinguish them from such as are intended to be exported, whereby his Majesty may be defrauded in his revenue without a proper remedy for preventing the same: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present

Geo. 1. c. 18.

At every fishing season for herrings, proprietors, &c. instead of the oath required by 5 Geo. 1. c. 18. to make oath of the quantity of salt intended for curing fish for exportation.

Further provisions relating to these matters,

1 Geo. 1. c. 16.

1 Geo. 1. c. 30.

sect. 41, 42.

Except salt

used for curing

red herrings,

after

25 March 1721,

before he re-

move them

(except for ex-

portation) to

make entry,

and pay 1s. 8d.

for every

thousand.

Casks to be

marked.

Upon entry,

&c. permit to

be given gra-

tis.

Penalty on re-

moval before

entry, &c.

These duties

revised for

3 years, by

5 Geo. 2. c. 6.

Moiety to the

King; moiety

to the officer

informing.

Officer to seize

red herrings

removed be-

fore entry, &c.

parliament assembled, and by the authority of the same, That at the beginning of every fishing season for herrings the proprietor or proprietors of the salt delivered duty-free for the curing of herrings for exportation, pursuant to the said act, or his or their agent or agents, shall, instead of the oath required by the said act, make oath in writing before the officer for the duty on salt, at the office nearest to the place where the said salt is lodged (who is hereby impowered to administer the same) declaring the quantity of the foreign or *British* salt respectively lodged for curing of fish, and that all the said salt is intended for the curing of fish for exportation only, and shall not by his or their order, consent or connivance, directly or indirectly, be sold, given away, or any way delivered, but for the purpose aforesaid, except so much thereof as shall be used for curing such red herrings, as shall be entred with the officer of the place for home consumption, and charged with the duties by this act chargeable thereupon.

red herrings for home consumption.

II. And be it enacted by the authority aforesaid, That every maker or curer of red herrings, from and after the twenty fifth day of *March* one thousand seven hundred and twenty two, before he remove any red herrings (except for exportation) from the office or place where the same shall be cured, shall from time to time make entry thereof at the next salt-office, and shall pay to his Majesty, his heirs and successors, a duty of one shilling and eight pence for every thousand of red herrings so to be removed, and so in proportion for a greater or lesser quantity; and that in case such red herrings shall be packed or put up in casks, then the number of herrings in each cask shall be marked on the head thereof; and upon entry and payment of the duty, and marking each cask as aforesaid, a permit shall be given gratis by the salt-officer, expressing the number of red herrings for which the duties shall be paid as aforesaid, and the marks and numbers of such casks, and for what place the same are intended, and whether to be sent by land or water carriage, on pain of forfeiting all the red herrings that shall be removed or carried away before entry be made, and the duty paid, and without the casks being marked, and permit obtained as aforesaid, and of the cask or vessel in which such herrings shall be found, and also the sum of forty shillings for every thousand of red herrings so removed, and so in proportion for a greater or lesser quantity, to be recovered from the person or persons who shall so remove or carry away the same; one moiety thereof to the use of his Majesty, his heirs and successors, and the other moiety to the officer or officers who shall seize, sue or inform for the same, to be sued for, recovered and levied in such manner and form, and with such power of mitigation, as any fine, penalty or forfeiture may be sued for, recovered, levied and mitigated by any law of excise, or by action of debt, bill, plaint or information in any of his Majesty's courts of record at *Westminster*: and all and every officer and officers of his Majesty's customs, excise

excise or duties upon salt are hereby authorized and empowered to seize all such red herrings so removed or carried before entry and payment of duty, and all other things performed as aforesaid, and the said cask or vessels wherein they shall be found.

III. And be it further enacted by the authority aforesaid, That the proprietor or proprietors of the salt delivered duty-free for curing red herrings for exportation, his or their agent or agents, shall, in the account which after the end of every fishing season they are to deliver in writing into the salt-office, containing the quantity of fish exported or entred and shipped to be exported, on which the salt taken away after its delivery into the sole custody of the said proprietor or proprietors, his or their agent or agents, has been used or consumed, as by the former law is directed (and under the penalties thereby prescribed) express also the quantity of red herrings entred for home consumption, on which such salt has been used or consumed.

IV. And whereas by the aforesaid act in the fifth year of his Majesty's reign, the proprietor or proprietors of salt delivered duty-free for the curing of fish for exportation are required at the end of every fishing season to deliver an account in writing into the salt-office, containing the quantity of fish exported or entred and shipped to be exported, on which the salt taken away after its delivery into the sole custody of the said proprietor or proprietors, his or their agent or agents, has been used or consumed, together with a certificate or certificates by the proper officers of the several ports where the said fish were shipped for exportation, verifying the said account: and whereas it may happen, that such fish may never be exported, for want of an opportunity to ship them while they are good and merchantable, so that the proprietors of the salt can have no such certificate as is by the said act required: be it therefore enacted, That in such case the owner of the fish may cause them to be destroyed in the presence of an officer of the salt duties; and the officer's certificate that such fish were destroyed in his presence, shall be admitted to verify the account of the proprietor of the salt used in curing them, instead of the officer's certificate that they were shipped for exportation, required by the said act.

V. Provided always, and it is hereby further enacted by the authority aforesaid, That in case the duties of excise on salt (which now amount to three shillings and four pence per bushel on home-made salt, and six shillings and eight pence per bushel on foreign salt) or any of them, shall cease, determine or be redeemed by parliament, then the rate or duty of one shilling and eight pence per thousand hereby imposed upon red herrings, shall cease or be lessened in proportion to the duties on salt that shall so cease, determine or be redeemed; any thing herein contained to the contrary notwithstanding.

VI. And whereas by an act of parliament made in the first year of his present Majesty's reign, intituled, An act for raising nine hundred and ten thousand pounds for publick services by sale of annuities after the rate of five pounds per centum per annum,

Proprietor of salt, &c. to express the quantity of red herrings entred for home consumption.

5 Geo. 1. c. 18. Owner of fish may cause them to be destroyed in presence of an officer, whose certificate shall be admitted instead of certificate of exportation required by the act 5 Geo. 1. c. 18.

Duty of 1s. 8d. per thousand upon red herrings shall cease, or be lessened, in proportion to duties on salt. Recital of part of 5 Geo. 1. c. 19.

1 Geo. 1. stat. 1. c. 19. sect. 19.

redeemable by parliament; and to authorize a treaty concerning private rights, claimed by the proprietors of the sugar-houses in Scotland, it was (inter alia) enacted, That the commissioners of the treasury, or any three or more of them, or the lord high treasurer for the time being, should be and they were thereby impowered to treat with the proprietors of the sugar-houses in Scotland for such sum or sums of money as might be a reasonable satisfaction for such private rights of exemption from custom and excise, to which the said proprietors were entitled: and whereas the said proprietors of the four sugar-houses in Scotland, commonly called the Easter, Wester and South sugar-houses of Glasgow and the sugar-houses of Leith, in pursuance of the said act of parliament, and in consideration of their being released and discharged of and from all claim and demand which the crown might have upon them for custom or excise, pretended to be due by them, have proposed to surrender and disclaim all rights, title and privilege which they either had or pretended to have to any exemption from custom or excise; which proposition appearing to be just and reasonable, and tending to settle the trade upon the same foot

Proprietors of sugar-houses in Scotland to pay the like duties as other subjects.

in Scotland, as it is in England: therefore be it enacted by the authority aforesaid, That from and after the twenty fifth day of March one thousand seven hundred and twenty two the said proprietors shall be subject and liable to pay for their sugars and other commodities, the same and such like duties of custom and excise, as any other of his Majesty's subjects are liable to pay by the acts of parliament now in force; any right or pretended right in the said proprietors to the contrary in any wise notwithstanding.

Conditional bonds for payment of duties before 25 March 1722. void.

VII. And be it further enacted by the authority aforesaid, That all conditional bonds or other securities whatsoever, which, on or before the said five and twentieth day of March one thousand seven hundred and twenty two, have been entred into by the said proprietors, or either of them, for payment or security of any duties of custom or excise, pretended to be due or payable by the said proprietors, or either of them, as proprietors of the said sugar-houses, for which they claimed exemptions, and for which such bonds or securities were given as aforesaid, be and the same are hereby declared to be void and of no force or effect; and the proper officer in whose power or custody such bond or security is or shall be, is hereby authorized and required to deliver up the same to be cancelled.

Proprietors discharged.

VIII. And be it further enacted by the authority aforesaid, That the said proprietors, their executors and administrators, and every of them, shall be and are hereby discharged, released, and indemnified from the payment of any duty of custom and excise due or pretended to be due from them, as proprietors of the said sugar-houses, and for which they claimed such exemption as aforesaid, before the said five and twentieth day of March one thousand seven hundred and twenty two.

Recital of part of the act 5 Geo. I. c. 18.

IX. And whereas by an act passed in the fifth year of his Majesty's reign, intituled, An act for recovering the credit of the British fishery in foreign parts; and for the better securing the duties

ties on salt, directions are given, that at the end of every fishing season, the officers for the duty on salt shall take a particular account of the quantity of foreign and British salt respectively remaining in hand, which remaining salt shall be immediately locked up in the joint custody of the said officer and proprietor or proprietors, his or their agent or agents; and the proprietor or proprietors, his or their agent or agents, of the said salt, using the said salt as aforesaid, shall, as soon as possible, after the end of every fishing season, deliver an account in writing into the office for the duty on salt, containing the quantity of fish exported, or entered and shipped to be exported, on which the salt taken away after its delivery into the sole custody of the said proprietor or proprietors, his or their agent or agents, has been used and consumed, together with a certificate or certificates by the proper officer of the several ports where the said fish were shipped for exportation, which said account delivered into the said office as aforesaid, shall be affirmed by the oath of the said proprietor or proprietors, using the said salt as aforesaid, or his or their agent or agents, who have used the same; and such proprietor or proprietors, or other persons concerned, who shall for the space of six months after the end of every fishing season, neglect or refuse to deliver such account attested upon oath as aforesaid, such proprietor or proprietors, and such other person or persons as aforesaid, shall for every such offence forfeit forty pounds: and whereas some doubts have arisen touching the periods of the several fishing seasons, and that for the want of ascertaining the time when the accounts aforesaid were to be delivered to the proper officers, the merchants exporters of fish have in many places neglected to account for the salt received by them duty-free, under pretence that the fishing seasons have no end: for remedy whereof, and for the better securing of his Majesty's revenues, be it enacted by the authority aforesaid, That all such quantities of foreign or British salt, as have been delivered duty-free, into the sole custody of any person whatsoever, for the curing of fish for foreign markets, since the four and twentieth day of June in the year of our Lord one thousand seven hundred and nineteen, and before the five and twentieth day of March one thousand seven hundred and twenty two, and which shall not be accounted for as the said act directs, on or before the five and twentieth day of March in the year of our Lord one thousand seven hundred and twenty two, shall be accounted for as the said act directs, on or before the four and twentieth day of June one thousand seven hundred and twenty two, under the penalty of ten shillings per bushel, to be recovered of the proprietor or proprietors, person or persons to whom, or for whose use or account the said salt was delivered, for every bushel so delivered, to, or received by them duty-free, for the curing of fish for foreign markets.

Times of delivering accounts to officers ascertained.

Penalty.

X. And for the more regular accounting for such salt as shall be delivered duty-free, for the curing of fish for foreign markets, after the five and twentieth day of March one thousand seven hundred and twenty two, be it enacted by the authority aforesaid, That all such quantities of foreign or British salt, as shall be so delivered after the said five and twentieth day of

Salt delivered duty-free, to be accounted for yearly after 25 March 1722, &c.

Penalty on neglect of delivery of accounts of salt received, &c. of fish cured, and exported.

March one thousand seven hundred and twenty two, shall be accounted for yearly, as the aforesaid act directs, within three months after the expiration of each year; and every person or persons, who shall receive into his or their sole custody any quantity of foreign or *British* salt duty-free, for curing of fish for foreign markets, that shall neglect or refuse to weigh over to the proper officer what of that salt shall remain in his or their hands, or shall neglect or refuse to deliver to the proper officers yearly, within three months after the expiration of each respective year, such accounts of the salt received as aforesaid, and of the fish cured therewith, and exported as the act directs, together with a certificate or certificates by the proper officers of the several ports where the said fish was shipped for exportation, verifying the said account (which certificates the said officers are hereby required to give *gratis*, and without delay) shall, for every such offence, forfeit and lose ten shillings *per* bushel, to be recovered of the proprietor or proprietors, person or persons, to whom, or for whose use or account the said salt was delivered, for every bushel so delivered to, or received by them; one moiety of all which penalties aforesaid to be to his Majesty, his heirs and successors, and the other moiety to the officer or officers who shall sue or inform for the same, to be sued for, recovered and levied, in such manner and form, and with such power of mitigation, as any fine, penalty or forfeiture may be sued for, recovered, levied and mitigated, by any law of excise; or by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, wherein no *essoin*, protection or wager of law shall be allowed.

XI. *And whereas by storms and violent rages of the tides from sea, into several ports and harbours of this realm of England, divers ships, barges, and lighter-boats, laden with salt, for which the duty and excise charged thereon were duly paid, have been stranded, over-set, sunk, and cast away, within the bounds and limits of the same ports and harbours, before the same salt, or any part thereof hath been landed or delivered on shore, whereby the said salt hath perished and been wholly lost, and many of his Majesty's good subjects, owners of such salt, have sustained great and heavy damages thereby, for which no relief or redress in respect to the said duty and excise have hitherto been provided: and whereas by an act of parliament made in the second year of the reign of her late majesty Queen Anne, intituled, An act for the better securing and regulating the duties upon salt, it is, among other things, provided and enacted, That in such cases, where any salt, for which the said duty hath been paid, shall by violent or stormy weather be lost at sea, any merchants, or other persons, owners of the said salt, being subjects of this realm, shall upon due proof made thereof before such justices at such times, and in such manner, and with such restrictions as in the same act are set forth, receive a certificate of such proof as is therein directed, upon producing thereof to any the officers appointed to collect the duties on salt, the said officer or officers shall let such persons buy the like quantity*

2 & 3 Ann.
c. 14

quantity of salt, as is expressed in such certificate to be lost, without paying any duty or excise for the same, as in and by the said act is expressed: be it therefore enacted by the authority aforesaid, That Relief for salt all and every such merchants, and others as aforesaid, who shall be owners of any salt, which after due payment of the said duty shall perish or be lost in any of the ports or harbours, or rivers of this realm, by storms or rages of the tides from sea, or otherwise, as aforesaid, shall, upon such proofs to be made thereof, in all points, and in manner as by the said recited act is directed, be intitled to such certificate, and thereupon to such right and privilege in all respects, as any owners of the like salt lost at sea in the like case, are entitled to by virtue of the said act; any former law or statute to the contrary notwithstanding.

C A P. V.

An act to explain and amend the act passed in the third year of his present Majesty's reign, for repairing the highway from several places therein mentioned, leading towards Highgate Gatehouse and Hampstead in the county of Middlesex. *Continued by 8 Geo. 2. c. 28.*

C A P. VI.

An act for granting the people called Quakers, such forms of affirmation or declaration, as may remove the difficulties which many of them lie under.

WHEREAS for giving some ease to scrupulous consciences, an act was made in the first year of the reign of their late majesties King William and Queen Mary, intituled, An act for exempting their Majesties protestant subjects, dissenting from the church of England, from the penalties of certain laws, whereby (among other things) a declaration of fidelity, in the form therein expressed, is appointed to be made and subscribed by certain persons, dissenters from the church of England, who scruple the taking of any oath: and whereas an act was made in the seventh and eighth years of the reign of his said late majesty King William the Third, intituled, An act that the solemn affirmation and declaration of the people called Quakers, shall be accepted instead of an oath in the usual form, under the provisions therein mentioned, which act being at first temporary, was afterwards farther continued by an act made in the thirteenth and fourteenth years of the reign of his said late Majesty, and the same act is made perpetual by an act made in the first year of his present Majesty's reign, by which last mentioned act a form, importing the effect of the abjuration oath, is prescribed to be taken by the said people called Quakers: and whereas the inconveniencies to the said people called Quakers, and their families, and to others requiring their testimony, in many cases are not sufficiently avoided, by reason of difficulties among the said Quakers, relating to the forms of the declaration, affirmation and abjuration before mentioned, as the same are now prescribed: and whereas it is evident, that the said people called Quakers, have not abused the liberty and indulgence allowed to them by law, and they have given testimony of their fidelity and affection to his Majesty, and the settle-
ment

Where any Quaker is permitted to make the declaration of fidelity required by 1 W. & M. sess. 1. c. 18. or the affirmation prescribed by 7 & 8 W. 3. c. 34. or to make the effect of the abjuration enjoined by 1 Geo. 1. stat. 2. c. 6. he shall make the following declaration of fidelity.
The declaration.

ment of the crown in the protestant line, and it is reasonable to give them farther ease and relief; may it therefore please your most excellent Majesty, that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That in all cases, where by law any Quaker is or shall be required or permitted to make and subscribe the declaration of fidelity in the form prescribed by the said first mentioned act, or to make the solemn affirmation or declaration in the form prescribed by the said act of the seventh and eighth years of the reign of his said late majesty King William the Third, or to take the effect of the abjuration oath in the form prescribed by the said act of the first year of his present Majesty's reign, every such Quaker shall, instead of such first mentioned declaration of fidelity, make and subscribe a declaration of fidelity in the following words, viz.

I A. B. do solemnly and sincerely promise and declare, That I will be true and faithful to King George; and do solemnly, sincerely, and truly profess, testify and declare, That I do from my heart abhor, detest and renounce, as impious and heretical, that wicked doctrine and position, That princes excommunicated or deprived by the pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare, That no foreign prince, person, prelate, state or potentate, hath or ought to have, any power, jurisdiction, superiority, prebeminence or authority, ecclesiastical or spiritual within this realm.

And instead of the affirmation in 7 & 8 W. 3. shall make the following affirmation.

The affirmation.

And instead of the form of the abjuration by 1 Geo. 1. stat. 2. c. 6. shall take the effect thereof as follows. Effect of the abjuration oath.

And instead of the solemn affirmation or declaration, in the form prescribed by the said act of the seventh and eighth years of the reign of his said late majesty King William the Third, every such Quaker shall make the solemn declaration or affirmation following, viz.

I A. B. do solemnly, sincerely, and truly declare and affirm,

And instead of the form prescribed by the said act of the first year of his present Majesty's reign, for the effect of the abjuration oath, every such Quaker shall take the effect thereof in the following words, viz.

I A. B. do solemnly, sincerely, and truly acknowledge, profess, testify, and declare, That King George is lawful and rightful King of this realm, and of all other his dominions and countries thereunto belonging; and I do solemnly and sincerely declare, That I do believe the person pretended to be the prince of Wales, during the life of the late King James, and since his decease, pretending to be, and taking upon himself the stile and title of King of England, by the name of James the Third, or of Scotland, by the name of James the Eighth, or the stile and title of King of Great Britain, hath not any right title
what-

whatsoever to the crown of this realm, nor any other the dominions thereunto belonging; and I do renounce and refuse any allegiance or obedience to him. And I do solemnly promise, that I will be true and faithful, and bear true allegiance to King George, and to him will be faithful against all traitorous conspiracies and attempts whatsoever, which shall be made against his person, crown or dignity. And I will do my best endeavour to disclose and make known to King George, and his successors, all treasons and traitorous conspiracies, which I shall know to be made against him, or any of them. And I will be true and faithful to the succession of the crown against him the said James, and all other persons whatsoever, as the same is and stands settled by an act, intituled, An act declaring the rights and liberties of the subject, and settling the succession of the crown, to the late Queen Anne, and the heirs of her body, being protestants; and as the same, by one other act, intituled, An act for the further limitation of the crown, and better securing the rights and liberties of the subject, is and stands settled and intailed, after the decease of the said late Queen, and for default of issue of the said late Queen, to the late princess Sophia, electress and dutchess dowager of Hanover, and the heirs of her body, being protestants. And all these things I do plainly and sincerely acknowledge, promise and declare, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever. And I do make this recognition, acknowledgment, renunciation and promise, heartily, willingly and truly.

1 W. & M.
Sess. 2. c. 2.

12 & 13 W. 3.
c. 2.

And all persons authorized or required to administer or tender, either the said former declaration of fidelity, or the said former solemn affirmation or declaration, or the former effect of the abjuration oath aforesaid, shall be and are hereby authorized and required to administer and tender the same respectively to the said people called *Quakers*, in the words by this act respectively appointed.

The persons required to administer the former declaration, shall administer the same in the words appointed by this act.

II. And be it further enacted by the authority aforesaid, That the declaration of fidelity, and solemn affirmation or declaration, and the effect of the abjuration oath, appointed by this act for the said people called *Quakers*, instead of the respective forms prescribed for the same by the said recited acts, shall respectively be adjudged and taken to be of such and the same force and effect, and no other, to all intents and purposes, in all courts of justice and elsewhere, as if such *Quaker* had made and subscribed the declaration of fidelity, or had made the solemn affirmation or declaration, or had taken the effect of the abjuration oath, in the respective forms appointed by the said recited acts: and if any person making such affirmation or declaration, as is appointed by this act to be made, instead of the affirmation or declaration in the form prescribed by the before-mentioned act of the seventh and eighth years of the reign of his said late majesty King *William* the Third, shall be lawfully convicted of wilful, false and corrupt affirming or declaring any matter or

The declaration, &c. appointed hereby, to be of the same force, as if taken in the forms prescribed by the former acts.

Persons convicted of false affirming, &c. liable to the pains of wilful perjury.

7 & 8 W. 3.
c. 34.

thing, which if sworn in the common or usual form, would have amounted to wilful and corrupt perjury, every such person so offending shall incur and suffer such and the same pains, penalties and forfeitures, as are inflicted or enacted by the laws and statutes of this realm, against persons convicted of wilful and corrupt perjury.

All clauses, &c. in the recited acts, not hereby altered, to remain in force.

III. Provided always, That all clauses, provisos and exceptions, contained in the said recited acts, or any of them, not hereby expressly altered or repealed, shall be of such and the same force and effect, as they were before the making of this act.

C A P. VII.

An act for laying a duty of two pennies Scots, or one sixth part of a penny sterling, upon every Scots pint of ale or beer that shall be brewed for sale, vended, or tapped within the town of Elgine and privileges thereof, for paying the publick debts of the said town, and for other purposes therein mentioned.

After March 25, 1722, for 19 years, and to the end of the then next session of parliament, a duty of two pennies Scots laid on all beer and ale sold, &c. in Elgine. Payable by the brewers, &c. to the magistrates.

C A P. VIII.

An act to enable his Majesty effectually to prohibit commerce (for the space of one year) with any country that is or shall be infected with the plague; and for shortning the continuance of an act passed in the seventh year of his Majesty's reign, intituled, An act for repealing an act made in the ninth year of her late Majesty Queen Anne, intituled, An act to oblige ships coming from places infected, more effectually to perform their quarentine; and for the better preventing the plague being brought from foreign parts into Great Britain or Ireland, or isles of Guernsey, Jersey, Alderney, Sark, or Man; and to hinder the spreading of infection.

WHEREAS several places in foreign parts, having for some time past been, and still continuing to be visited with the plague, it may be judged necessary by his Majesty, for securing his kingdoms of Great Britain and Ireland, and the dominions thereunto belonging, from so dreadful a calamity, to prohibit or restrain the commerce between his Majesty's subjects and those of any other country or place, which is or shall be infected with the plague: and whereas it will be requisite to enforce such prohibition or restraint by severe penalties; **EXP,**

The King may by proclamation, to be issued before December 12, 1722, forbid all persons to go to any place infected, or to export or carry goods, &c. to any such places before March 25, 1723. under the penalties specified in this act, and under the regulations in such proclamation. His Majesty may likewise forbid any person to come or import any commodities from such places before March 25, 1723. Goods, &c. exported contrary hereto, and the vessels, &c. shall be forfeited. Exporters of such goods, &c. shall forfeit double the value. Persons coming from places infected shall incur a *Premunire*. Vessels and persons coming from infected places, and

and attempting to enter any port of Great Britain or Ireland, may be hindered and opposed by force. Vessels and persons coming and goods brought from infected places, and landing contrary to this act, such persons shall be adjudged felons without benefit of clergy, and such ship and goods shall be burnt. Persons procuring such goods to be imported, shall forfeit the treble value thereof. Two thirds of the forfeitures to the King, the other third to the informers.

VI. And be it further enacted by the authority aforesaid, That an act passed in the seventh year of his present Majesty's reign, intituled, *An act for repealing an act made in the ninth year of her late Majesty Queen Anne, intituled, An act to oblige ships coming from places infected more effectually to perform their quarentine; and for the better preventing the plague being brought from foreign parts into Great Britain or Ireland, or isles of Guernsey, Jersey, Alderney, Sark or Man, and to hinder the spreading of infection, or any thing therein contained, shall not continue in force any longer than until the said twenty fifth day of March one thousand seven hundred and twenty three; any thing in the said act contained to the contrary in any wise notwithstanding.*

The act of 7Geo.1. stat.1. c.3. to continue in force till March 25, 1723, and no longer. See 26 Geo. 2. c. 6.

CAP. IX.

An act for continuing an act passed in the tenth year of the reign of her late Majesty, intituled, *An act for repairing the highway between a certain place, called Kilburn-Bridge in the county of Middlesex, and Sparrow-Herne in the county of Hertford; and for making the said act more effectual.*

Continued for twenty one years after the expiration thereof. *Farther continued by 22 Geo. 2. c.14.*

CAP. X.

An act for repealing such clauses in the act passed in the seventh year of his Majesty's reign (relating to quarentine and the plague) as give power to remove persons from their habitations, or to make lines about places infected.

WHEREAS by an act passed in the seventh year of the reign of his present Majesty, intituled, *An act for repealing an act made in the ninth year of the reign of her late Majesty Queen Anne, intituled, An act to oblige ships coming from places infected, more effectually to perform their quarentine; and for the better preventing the plague being brought from foreign parts into Great Britain or Ireland, or the isles of Guernsey, Jersey, Alderney, Sark or Man; and to hinder the spreading of infection, it is, amongst other things enacted, That if any person infected with the plague, or obliged to perform quarentine, shall wilfully refuse or neglect to repair within convenient time, after due notice for that purpose given to him, her or them, by the proper officer, to the ship, house, lazaret, or other place, duly appointed for him, her or them, or having been placed in such ship, house, lazaret, or other place, shall escape, or attempt to escape out of the same, whilst he, she or they shall continue infected, or before quarentine fully performed respectively, it shall and may be lawful to and for the watchmen, and other persons appointed to see quarentine performed, by any kind of violence, that the case shall require, to compel every such person so refusing or neglecting as aforesaid,*

7Geo.1. stat.2. c.5.

said, and every such person so escaping, or attempting to escape as aforesaid, to repair or return unto such ship, house, lazaret, or other place so appointed for him or her as aforesaid; and every such person so refusing or neglecting to repair within convenient time after such notice as aforesaid, into such ship, house, lazaret, or other place appointed for him or her as aforesaid, and also every person actually escaping as aforesaid, shall be adjudged guilty of felony, and shall suffer death as a felon without benefit of clergy: and it is by the said recited act also further enacted, That if at any time or times hereafter, any city, town or place within Great Britain or Ireland, shall be infected with the plague, it shall and may be lawful to and for his Majesty, his heirs and successors, to cause one or more line or lines, trench or trenches, to be cast up or made about such infected city, town or place, at a convenient distance from the same, in order to cut off the communication between such infected city, town or place, and the rest of the country; and to prohibit all persons, goods and merchandizes whatsoever, to enter, pass, or be carried over such lines or trenches, unless in such cases, and by such proper licence, and subject to such regulations and restrictions for performance of quarantine, as shall be directed or permitted by any order or orders made, or to be made by his Majesty, his heirs or successors, in council, and notified by proclamation; and in case any person or persons, being within such lines or trenches, or any of them, shall, during the time of such infection, presume or attempt to come out of the same, unless in such cases, and by such proper licence, and subject to such regulations and restrictions for performance of quarantine, as shall be directed or permitted by such order or orders made or to be made, and notified as aforesaid; it shall and may be lawful to and for the watchmen, or persons appointed to guard or secure such lines or trenches, or any of them, by any kind of violence that the case shall require, to compel all and every such person and persons to return back within such lines or trenches, and in case any person shall actually come out of such lines or trenches, or any of them (unless in such cases, and by such proper licence, and subject to such regulations and restrictions as aforesaid) every such person shall be adjudged guilty of felony, and suffer death as a felon without benefit of clergy: and whereas the execution of the powers and authorities mentioned in the said recited clauses might be very grievous to the subjects of this kingdom; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That the said recited clauses, and the powers therein mentioned, and all other powers in the said act, to compel any person or persons to remove from his, her or their habitations, to any ship, lazaret or other place, shall be and are hereby repealed and made void from and after the five and twentieth day of *March* one thousand seven hundred and twenty two.

The clauses in the recited act, giving power to remove persons infected to any ship, &c. or to make lines about any city, &c. infected, or to compel persons to remove from their habitations, repealed after *March* 25, 1722.

This act shall not repeal a-

II. Provided always, That nothing in this act contained shall be construed to repeal or make void any of the powers or penalties in the said recited act mentioned, relating to persons who shall be on board any ship obliged to perform quarantine, or shall

come

come on shore, or go on board any other ship from any ship obliged to perform quarentine, but that such powers and penalties shall be and remain in as full force, as if this act had not been made.

ny powers or penalties in the former act, relating to persons obliged to perform quarentine, &c.

CAP. XI.

An act for restoring and rebuilding the haven and piers of Bridport in the county of Dorset, and for making a sluice there.

WHEREAS good harbours and ports for shipping are the greatest encouragement to trade and navigation, upon which the riches and strength of this kingdom do chiefly depend: and whereas the borough or town of Bridport in the county of Dorset, was heretofore by reason of the haven or port there, a place of great trade and commerce, and as such hath been taken notice of by several charters of his Majesty's royal predecessors, and other antient records; but by reason of a great sickness, which heretofore happened in the said borough or town, and swept away the greatest part of the wealthy inhabitants thereof, and by other accidents, the said haven became neglected and choaked with sands, and the piers thereof fell to ruin, to the great decay of the trade of the said borough; and as now there is no security for ships that happen to come, or be driven by stress of weather into the deep and dangerous bay, wherein the said haven formerly was, shipwrecks frequently happen, and the lives and estates of many of his Majesty's subjects are lost, which might be prevented, if the said haven and piers were restored and rebuilt with proper and convenient sluice or sluices to scour and cleanse the same, and the antient trade of the said borough thereby might be revived, his Majesty's customs much augmented, and the value of lands adjacent be greatly improved: to the end therefore that the said haven or harbour, and piers, may be restored and rebuilt, and such sluice and sluices made, with proper and convenient keys, wharfs and landing-places, for loading and unloading of ships; be it enacted, &c.

The bailiffs and capital burgesses of Bridport in Com. Dorset appointed trustees for repairing the haven and piers there, &c. And they or their assigns may, after June 24, 1721. assign a place near Bridport Mouth, where the said harbour, piers, sluices, &c. shall be made, where the materials shall be laid, &c. The major part of the bailiffs, &c. may remove rocks and stones on the sea-shore, within three miles from Bridport Mouth; may have free passage, &c. But they shall agree with the owners, &c. of the ground. If any persons refuse to agree, or through disability cannot, two justices of Dorsetshire may issue precepts to the sheriff of that county, for impanelling a jury. The sheriff to return twenty four qualified persons, to whom the parties interested may have legal challenges. The first twelve being sworn, shall assess damages to the proprietors. The justices to give judgment for the sums assessed. There shall be paid to the collectors for every weigh of salt, last of wheat, rye, &c. chaldron of coals and tun of other goods, imported and exported, 12 d. Every ship, &c. of ten tun burthen, or above, to pay 2 d. per tun. The bailiffs, &c. may convey the duties as a security for money borrowed. When the bailiffs, &c. are repaid the money laid out, the duties shall cease: and from thenceforth each weigh of salt, last of wheat, &c. chaldron of coals and tun of other goods, &c. imported or exported, shall pay only 6 d. And each ship, &c. 1 d. per tun. Saving to the lords of Symondsburry, Burton and Bothenhampton, all their rights, &c.

CAP.

C A P. XII.

An act giving further encouragement for the importation of naval stores, and for other purposes therein mentioned.

3 & 4 Ann.
c. 18.

12 Ann. stat. 1.
c. 9.

Premium for
ton of hemp
&c. continued
from expira-
tion of the act
12 Ann. for
16 years, &c.
Further conti-
nued by 16 Geo.
a. c. 26. and
24 Geo. 2. c. 57.

Hemp import-
ed after 24
June, 1722,
duty-free.

WHEREAS in the third and fourth years of the reign of her late Majesty Queen Anne, a good law was made for encouraging the importation of naval stores from her Majesty's plantations in America, by an act which commenced the first day of January one thousand seven hundred and five, and continued from thence forward for the space of nine years; and by an act made in the twelfth year of her said late Majesty's reign, the aforesaid act is continued from the time of the expiration of the same, for the further term of eleven years, and from thence to the end of the next session of parliament; and by the act last mentioned, encouragement is given for the importation of naval stores from that part of Great Britain called Scotland, to that part of Great Britain called England, during the remainder of the time limited for granting premiums to the importers of naval stores from America, by the said acts: and whereas, in consequence of the said encouragement, it is found by experience that great quantities of good and merchantable pitch and tar (part of the naval stores mentioned in the said acts) have been imported into this kingdom from the said plantations in America, which pitch and tar have been found useful for the service of his Majesty's navy, and it is necessary to give further encouragement therein: and whereas it is probable that the owners of large tracts of land in the said plantations, and in that part of Great Britain called Scotland, lying near the sea, and upon navigable rivers, would be induced to sow the same with hemp, if farther encouragement were given for that purpose: may it therefore please your most excellent Majesty, that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That the premium or reward of six pounds, given by the said acts for every ton of hemp water-rotted, bright and clean, each ton containing twenty gross hundreds and six pounds, shall be continued from the expiration of the said act of the twelfth year of her said late Majesty's reign, for and during the term of sixteen years, and from thence to the end of the next session of parliament, and shall be paid and payable in the same manner, and under the same rules, methods and restrictions, as are prescribed in and by the said former acts or either of them, touching the same; and all such hemp, being lawfully imported into this kingdom after the four and twentieth day of June one thousand seven hundred and twenty two, shall be free and clear of and from all duties, customs and impositions whatsoever, payable to his Majesty, his heirs or successors; any law, custom or other matter or thing to the contrary in any wise notwithstanding.

II. And whereas great quantities of wood and timber, and of the goods commonly called lumber, herein after particularly enumerated, (that is to say) deals of several sorts, timber balks of several sizes,
barril

barrel boards, clap boards, pipe boards, or pipe holt, white boards for shoemakers, boom and cant spars, bow staves, capravens, clap bolt, ebony wood, headings for pipes, and for hogsheds and barrels, hoops for coopers, oars, pipe and hogsheds staves, barrel staves, firkin staves, trunnels, speckled wood, sweet wood, small spars, oak, plank and wainscot, or some of them, have usually been imported into this kingdom from foreign countries at excessive rates or prices, especially in time of war, and foreigners have thereby found opportunities to export the coined monies of this realm; and it is well known that the said commodities, being of the growth and product of his Majesty's plantations in America, may be furnished from thence, if due encouragement was given in that behalf: be it therefore enacted by the authority aforesaid, That all and every person and persons, who within the term of one and twenty years, to be reckoned from the four and twentieth day of June one thousand seven hundred and twenty two, shall import or cause to be imported into Great Britain, directly from any of his Majesty's British plantations or colonies in America, in any ship or vessel, ships or vessels, which may lawfully trade to or from his Majesty's said plantations or colonies, and which shall be navigated according to law, any sort of wood, plank or timber whatsoever, wrought or unwrought, or any of the goods called lumber, before in this act enumerated, such wood, plank, timber and lumber, being of the growth and product of the said plantations or colonies, or some of them, (except masts, yards and bowsprights, touching which duties and premiums are ascertained by former acts in that behalf) shall and may import the same free from all customs and impositions whatsoever, granted to his Majesty, his heirs or successors.

Wood, lumber, &c. (except masts, &c.) imported from America, for 21 years after 24 June 1722, duty-free.

Lignum Vita may be imported duty-free by 1 Geo. 2. stat. c. 17. l. 5.

III. And to the end his Majesty's royal navy may, from time to time, have the benefit of so much of such hemp, as shall be requisite for the service thereof; be it further enacted by the authority aforesaid, That upon the importation of any hemp, for which any bounty or premium is by this or any former act given, the pre-emption or refusal of such hemp shall be offered and tendered to the commissioners of his Majesty's navy, or some of their agents for the time being, upon landing the same; and if within the space of twenty days after such tender, the said commissioners shall not contract or bargain for the same, it shall be lawful for the importer or importers, owner or owners of such hemp, otherwise to dispose thereof, as by law they may, for his, her or their best profit and advantage.

Pre-emption of hemp imported, to be tendered to commissioners, &c. of the navy.

Such hemp not contracted for by them within 20 days, to be otherwise disposed of.

IV. And whereas in and by the said act, made in the third and fourth years of her said late Majesty Queen Anne, [intituled, An act for encouraging the importation of naval stores from her Majesty's plantations in America,] a reward or premium was given for tar, brought into this kingdom directly from her Majesty's plantations in America, after the rate of four pounds for every ton of good and merchantable tar, under such rules, regulations, and provisoes, as are therein mentioned; which act was continued by one other act made in the twelfth year of the same reign, [intituled, An act for continuing

3 & 4 Ann. c. 10.

22 Ann. stat. c. 9.

an act made in the third and fourth years of the reign of her present Majesty, intituled, An act for encouraging the importation of naval stores from her Majesty's plantations in *America*; and for encouraging the importation of naval stores from that part of *Great Britain* called *Scotland* to that part of *Great Britain* called *England*, and is still in force; and by the said last mentioned act the like reward or premium of four pounds per ton, was extended to and given for tar brought from that part of *Great Britain* called *Scotland* to that part of *Great Britain* called *England*, under the like rules, regulations, and provisos; as in the case of plantation tar: and whereas by one other act passed in the fifth year of the reign of his present Majesty, intituled, An act against the clandestine running of uncustomed goods; and for the more effectual preventing of frauds relating to the customs, the said reward or premium is to be allowed for such tar only as should be clean, good, merchantable, and well conditioned, and fit for making cordage; and nevertheless, the tar imported from the said plantations has hitherto been found to retain an bot and thick quality, whereby it is not so fit for making cordage, as the *East country tar*: wherefore for remedy thereof for the future and to the end his Majesty's navy may have the benefits intended by the said acts, in being supplied with plantation tar fit for making cordage; be it enacted by the authority aforesaid, That from and after the twenty ninth day of *September* which shall be in the year of our Lord one thousand seven hundred and twenty four, no certificate be made out by any officer of his Majesty's customs, in any port of this kingdom, for any tar which shall be imported into this kingdom, from any of his Majesty's colonies or plantations in *America*, nor any bill made out by the commissioners or principal officers of his Majesty's navy, whereby to entitle the importer of such tar to any reward or premium, unless the certificate of the governor, lieutenant-governor, collector of the customs, and naval officer, or any two of them, (which certificate is by the said act of the third and fourth years of the reign of her said late Majesty *Queen Anne*, directed to be by them made out in such terms, manner and form, and for such intents and purposes as are therein mentioned) do express, That it has appeared to them (the persons so certifying) by the oath of the owner or maker of the tar, for which such certificate shall be granted (such oath to be made before any justice of the peace within the colony or plantation where such tar shall be made, who is hereby authorized to administer the same) that the tar therein mentioned was made from green trees prepared for that purpose, after the following manner; that is to say, That when such trees were fit to bark, the bark thereof was stript eight foot, or thereabouts, up from the root of each tree, a slip of the bark of about four inches in breadth having been left on one side of each tree; and that each tree, after having been so bark'd, had stood during one year at the least, and was not before cut down for the making of tar; any thing herein, or in any former law to the contrary notwithstanding.

After 29 Sept. 1714. No certificate to be made by officer of the customs for tar imported, &c. nor bill granted by commissioners of navy to entitle importer to a premium, unless certificate from governor, &c. do express that such tar was made from green trees in manner hereby prescribed.

The manner.

Further provisions relating hereto, 2 Geo. 2. c. 35. l. 12.

V. *And whereas the laws already made, and still in force, for the preservation of white pine-trees in his Majesty's colonies of New Hampshire, the Massachusetts Bay, and province of Main, Rhode-Island, and Providence Plantation, the Narraganset country, or King's Province, and Connecticut in New England, and New York, and New Jersey, in America, for the masting the royal navy, have been found insufficient for that purpose, so that a further provision is necessary to be made therein: and forasmuch as there are great numbers of white pine-trees, fit for masting the royal navy, growing in his Majesty's province of Nova Scotia in America; be it therefore enacted by the authority aforesaid, That from and after the twenty first day of September one thousand seven hundred and twenty two, no person or persons within the said colonies or plantations of Nova Scotia, New Hampshire, the Massachusetts Bay, and province of Main, Rhode-Island, and Providence Plantation, the Narraganset country, or King's Province, and Connecticut in New England, and New York, and New Jersey, in America, or within any of them, do or shall presume to cut, fell or destroy any white pine-trees, not growing within any township, or the bounds, lines or limits thereof, in any of the said colonies or plantations, without his Majesty's royal licence for so doing first had and obtained, on pain that every person so cutting, felling and destroying such pine-trees, or who shall be aiding or assisting therein, or in drawing away the said pine-trees, after the same shall have been so cut, felled or destroyed, shall, for every such offence, forfeit and pay the several and respective sums following; That is to say, for every white pine-tree, of the growth of twelve inches diameter and under, at three foot from the earth, the sum of five pounds; for every such tree, from twelve inches to eighteen inches diameter, the sum of ten pounds; for every such tree, from eighteen inches to four and twenty inches diameter, the sum of twenty pounds; and for every such tree, from four and twenty inches diameter and upwards, the sum of fifty pounds; which several penalties and forfeitures shall and may be sued for within six months after the offence committed, by plaint or information, upon the oath of one or more credible witnesses or witnesses, before the judge of the admiralty, or his deputy, within the colony or plantation, where such pine-tree shall be cut, felled or destroyed; one moiety of such penalties and forfeitures to be to his Majesty, his heirs or successors, the other moiety to the informer who shall sue for the same; and in case any dispute shall arise whether such tree, when cut, felled or destroyed, was growing within any township, or the bounds, lines or limits thereof, as aforesaid, the proof shall lie upon the owner; and on conviction of such offender for such offence, as aforesaid, if he shall refuse or neglect to pay the penalty and forfeiture thereby incurred by the space of twenty days after such conviction, that then such judge or his deputy shall and may, by warrant under his hand and seal, cause the same to be levied by distress and sale of the goods of the offender, rendering the overplus, if any be, to the owner; and when no sufficient*

No white pine-trees, &c. in America to be cut or felled after 21 Sept. 1722. Further provisions relating hereto, Geo. 2. c. 35.

Penalties on offenders.

How to be recovered.

White pine-trees, masts, &c. felled without licence, forfeited to the King.

9 Ann. c. 17.

Repeal of part of 9 Ann. c. 17. for preservation of white and other pine-trees, &c.

ficient distress can be found, such judge or deputy shall commit the offender to prison, within the colony or plantation where such offence shall be committed, there to remain without bail or mainprize, during such time as such judge or deputy shall appoint, not exceeding twelve months, nor less than three months, or until such offender shall pay the penalty or sum of money so recovered; and after such payment made, shall likewise find sufficient security for his good behaviour, during the space of three years, to be accounted from the time of such his conviction: and it is hereby declared, that all white pine-trees, masts or logs made from such trees, which from and after the said one and twentieth day of *September* one thousand seven hundred and twenty two shall be found cut or felled without such licence as aforesaid, in any of his Majesty's said colonies or plantations, shall be forfeited and seized for the use of his Majesty, his heirs and successors; any former law, usage or custom to the contrary notwithstanding.

VI. *And whereas by one other act made in the ninth year of the reign of her late Majesty Queen Anne, intituled, An act for the preservation of white and other pine-trees growing in her Majesty's colonies of New Hampshire, the Massachusetts Bay, and province of Main, and Rhode Island, and Providence Plantations, the Narraganset country, or King's Province, Connecticut in New England, and New York, and New Jersey, in America, for the masting her Majesty's navy, it was amongst other things, enacted, That no person or persons, within the said colonies and plantations, should cut, fell or destroy any white pine-tree, fit for mast (not being the property of any private person) such tree being of the growth of four and twenty inches diameter and upwards, at twelve inches from the earth, without her Majesty's licence, on the penalty of one hundred pounds sterling, to be recovered, levied and distributed, as therein is mentioned; be it hereby further enacted, That so much of the said act as relates to the cutting, felling or destroying such white pine-trees, and the penalties to be incurred thereby, shall, from and after the one and twentieth day of *September* one thousand seven hundred and twenty two, be and stand absolutely repealed.*

CAP. XIII.

An act for the amending the highways leading from Brampton Bridge near Church Brampton in the county of Northampton, through the parish of Thornby, to a bridge called Welford Bridge in the parish of Welford in the said county; and also the great post-road from a place called Morter Pit Hill in the parish of Pistord in the said county, through the towns and parishes of Brixworth, Lampport, Maidwell, Kelmarsh and Oxenden Magna, to a bridge called Chain Bridge, leading into Market Harborough in the county of Leicester.

The toll granted by this act is to have continuance from the 25th of March 1721, for 21 years. *Continued by 23 Geo. 2. c. 8.*

CAP. XIV.

An act for making the river Eden navigable to Bank End in the county of Cumberland.

The undertakers Thomas Pattinson, &c. their heirs and assigns, empowered to improve the passage of the river Eden, and render it more navigable

gable for barges, &c. from Ellen Foot, to Bank End. To which purpose they may cleanse, deepen, &c. the said river, erect new works, &c. Remove sand, &c. They shall not straiten the river but by making it deeper. The justices of Cumberland in quarter-sessions to determine what satisfaction shall be given to the owners of grounds. To summon the parties concerned, and enquire by witnesses upon oath, of the damage. Tolls to be taken by the undertakers for 31 years, viz. For every tun of coal eight pence, and for every tun of cynders one shilling and four pence, and for every tun of lime or limestone eight pence. Persons throwing dirt into the river may be sued, and shall pay the costs of the removal, and treble costs of suit. Saving to the lords, &c. of royalties, &c. their liberties of fishing, &c. Coals carried from Ellen Foot to Bank End, not liable to the duty. Owners of boats shall enter into bond to land the coals in the bay of the river Eden in Com. Cumberland, and bring a return signed by the proper officer. 1 s. to be paid for the bond, and 4 d. for the return. Masters of boats, &c. not obliged to take a certificate, &c. for loading or conveying lime from creek to creek between Ellen Foot and Bank End.

C A P. XV.

An act for encouragement of the silk manufactures of this kingdom; and for taking off several duties on merchandizes exported; and for reducing the duties upon beaver-skins, pepper, mace, cloves and nutmegs imported; and for the importation of all furs of the product of the British plantations, into this kingdom only; and that the two corporations of assurance, on any suits brought on their policies shall be liable only to single damages and costs of suit.

MAY it please your most excellent Majesty, whereas the wealth and prosperity of this kingdom doth very much depend upon the improvement of its manufactures, and the profitable trade carried on by the exportation of the same, which trade ought, by all proper means, to be encouraged, for the more comfortable support and maintenance of great numbers of your Majesty's subjects employed in the making or working of such goods, and for the enlargement of the commerce of Great Britain: and whereas the manufacture of silk, stuffs, and of stuffs mixed with silk, which is one of the most considerable branches of the manufactures of this kingdom, has of late years, been greatly improved in this kingdom, and there is reason to believe, that the exportation of them into foreign parts would considerably increase, were it not obstructed and hindered by reason of the high duties payable upon the importation of raw and thrown silk, without any allowance being made upon the said silks, when wrought up and exported; and in regard the said raw and thrown silk, when exported unmanufactured, do draw back great part of the duties paid inwards; and it seems just and reasonable that the said silks, when made up, should also enjoy the same benefit and allowance upon the exportation of them; and for that there is a waste of the raw and thrown silk, used in the manufacture: therefore we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do humbly pray your Majesty, That it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority

Allowances to exporters of commodities manufactured in Great Britain.

These clauses farther continued by 11 Geo. 1. c. 29. sect. 2. for three years, and to the end of the next

of the same, That the several and respective allowances or sums of money hereafter in this act expressed, shall be paid to any person or persons, who at any time or times, within or during the term of three years, to be reckoned from the twenty fifth day of *March* one thousand seven hundred and twenty two, or at any time or times before the end of the then next session of parliament, shall really and truly export out of this kingdom by way of merchandize, any of the goods or commodities of the manufacture of *Great Britain*, herein after particularly specified, and so in proportion for any greater quantity; that is to say, *and farther continued by 2 Geo. 2. c. 28. 10 Sept. 1734. Explained by 1 Geo. 2. stat. 2. c. 17. sect. 10. Farther continued by 15 Geo. 2. c. 35. and by 20 Geo. 2. c. 45.*

Ribbons, &c. of silk only.

For all ribbons and stuffs made in *Great Britain* of silk only, and exported as aforesaid, the sum of three shillings for every pound-weight *Averdupois*.

Silk, &c. mixed with gold or silver.

For all silks and ribbons made in *Great Britain* of silk mixed with gold or silver, and exported as aforesaid, the sum of four shillings for every pound weight *Averdupois*.

Silk stockings, &c.

For all silk stockings, silk gloves, silk fringes, silk laces, stitching or sewing silk, made in *Great Britain*, and exported as aforesaid, the sum of one shilling and three pence for every pound weight *Averdupois*.

Stuffs of silk and program yarn.

For all stuffs of silk and program yarn made in *Great Britain*, and exported as aforesaid, the sum of eight pence for every pound-weight *Averdupois*.

Silk mixed with incl or cotton.

For all stuffs made in *Great Britain* of silk mixed with incl or cotton, and exported as aforesaid, the sum of one shilling for every pound-weight *Averdupois*.

Stuffs of silk and worsted.

For all silks made in *Great Britain* of silk and worsted, and exported as aforesaid, the sum of sixpence for every pound-weight *Averdupois*.

By whom the allowances shall be paid.

Which several and respective allowances, or sums of money for each species before mentioned, shall be paid and answered by the customer or collector of the customs, with the privity of the controller of the port, from whence the same shall be exported, on a debenture to be made forth by the customer or collector, according to the entry of the goods, and the shipping thereof verified by the searcher, and oath made by the exporter on the entry or debenture, before the customer or collector, or controller of such port, that the said goods are of *British* manufacture, and exported or intended to be exported to parts beyond the seas, and not reloaded or intended to be reloaded in any part of *Great Britain*, the exporter, with one or more person or persons, first giving sufficient security to the said customer or collector of the port, in a penalty of the value of the goods (which security they are hereby impowered to take in the name and to the use of his Majesty, his heirs and successors) that such silk, stuffs, or other manufactures before mentioned, so shipped or intended to be shipped, or any part thereof, shall not be reloaded or brought on shore again, in any port or part of *Great Britain*; and

Security to be given by exporter, that silks, &c. shall not be reloaded.

and such securities shall be discharged in the manner hereafter mentioned, that is to say, for such of the said goods as shall be entered for, or landed in the kingdom of *Ireland*, the islands of *Guernsey*, *Jersey*, *Alderney*, *Sark* or *Man*, the condition of the bond shall be to bring in a certificate in discharge thereof, within six months from the date of the bond, and within eighteen months for such of the said goods as shall be entred for, or landed in any of his Majesty's plantations in *America*, which respective certificates for such silks, stuffs, or other manufactures aforesaid, as shall be landed in any port or place, where any officer or officers of his Majesty's customs shall be resident, shall be signed by the proper officer or officers of his Majesty's customs there, importing that such goods were there landed, testifying the landing thereof; and for such silk, stuffs, and other manufactures aforesaid, as shall be entred for the islands of *Jersey*, *Guernsey*, *Alderney* or *Sark*, shall be signed by the proper officer or officers of his Majesty's customs, if any such officer or officers shall be residing in those islands respectively, and for want of such officer residing there, then by the governor of those islands, or the deputy-governor thereof respectively; and for such silk, stuffs, or other manufactures aforesaid, as shall be so entered for any other foreign port or place, to bring a certificate under the common seal of the chief magistrate in such port or place, or under the hands and seals of two known *British* merchants then being at such port or place, that such silks, or other manufactures, were there landed; or such bond or bonds shall be discharged upon proof in either of the said cases, that such goods were taken by enemies, or perished in the seas, the examination and proof thereof being left to the judgment of the commissioners of the customs in *England* or *Scotland* respectively for the time being.

II. And for the better preventing frauds in the entering of the said goods under a wrong denomination, to the prejudice of the revenue, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any searcher, or other proper officer of the customs, after the entry of any of the said goods, and before or after the shipping thereof, to open and strictly examine any bale, truss, chest, or other package, as now by law they may do, to see if the goods are right entered; and if on such examination the same shall be found to be right entered, the officer shall at his own charge cause the same to be repacked, to the satisfaction of the exporter, which charge shall be allowed to the said officer by the commissioners of the customs, if they think it reasonable; but in case the said officer shall find the said goods, or any part thereof, to have been entered under a wrong denomination, whereby his Majesty would have been defrauded in the allowance to be paid on the exportation of such goods, contrary to the true intent and meaning of this act, all such goods so wrong entered shall and may be seized, and the same, as likewise the value thereof, shall be forfeited,

Securities how discharged.
 Altered by
 1 Geo. 2. stat. 2.
 c. 17. sect. 9.

Searcher, &c.
 after entry, to
 examine bales,
 &c.

Goods wrong
 entered, for-
 feited with va-
 lue.

ed and lost, and shall and may be prosecuted and divided as herein after mentioned.

No allowances for manufactures mixed with gold or silver on the edges, &c. only.

Farther provisions relating hereto, 9 Geo. 1. c. 8. sect. 9. *Onus Probandi.*

Manufactures re-landed without licence, &c. or unless in case of distress, forfeited, with penalty of bond, and treble value.

Allowances to be paid by the collectors, &c. and allowed on their accounts.

Allowances to be abated in proportion to customs redeemed.

After 25 March 1722. Duties on goods of British manufactures exported to cease.

III. Provided always, and be it enacted by the authority aforesaid, That the said respective allowances shall not be demanded or made for such of the said manufactures mixed with gold or silver, when they are only so mixed at the edges and the ends of the pieces, or for such of the said manufactures mixed with silk, when they are only so mixed at the edges or ends of the piece; and if any dispute shall arise concerning any of the said manufactures, that is to say, whether the same were made in *Great Britain*, or touching the quality of the goods, the *Onus Probandi* shall lie on the exporter, claimer or owner thereof, and not on the officer.

IV. And it is hereby further enacted by the authority aforesaid, That if any of the said silk, stuffs, or other manufactures aforesaid, shipped to be exported, for which allowance is hereby made, shall be re-landed or unshipped in any port or place in *Great Britain*, contrary to the true intent and meaning of this act, without the licence of one or more of the principal officers of such port or place, first had and obtained, or unless it be in case of distress to save the said goods from perishing, which shall be forthwith made known to one of the said officers, the goods (over and above the penalty of the bond to be levied and recovered to his Majesty's use as aforesaid) and treble the value of such goods shall be forfeited and lost, and shall and may be prosecuted and divided in the manner herein after mentioned.

V. And be it further enacted by the authority aforesaid, That the said allowances shall and may be paid by the respective customer or collector, out of any money in his hands, arising from customs or other duties upon goods imported from parts beyond the seas, and the money so paid shall be accepted of in his or their account, as so much paid to his Majesty, and he and they is, are, and shall be discharged thereof accordingly.

VI. Provided always, and be it further enacted by the authority aforesaid, That in case any of the customs or other duties now payable on the importation of foreign thrown or raw silk, shall, during the continuance of this act, be redeemed, or otherwise cease to be payable, so much of the allowance or allowances to be made on the exportation of the silk, stuffs, or other manufactures before mentioned, shall be abated, as shall bear a proportion to the customs or duties so redeemed, or that shall cease to be payable on the importation of thrown or raw silk; any thing herein contained to the contrary notwithstanding.

VII. *And for the further encouragement of the British manufactures*, be it further enacted by the authority aforesaid, That from and after the twenty-fifth day of *March* one thousand seven hundred and twenty two, the several and respective subsidies and other duties whatsoever, payable to his Majesty, his heirs or successors, by any law now in force, upon the exportation of any goods and merchandizes of the product or manufactures of

Great

Great Britain, shall cease, determine, and be no longer due or payable for so much of the said goods or merchandizes, as shall from thenceforth be exported, except such goods and merchandizes, touching which a special provision is herein after made.

VIII. And it is hereby provided and enacted by the authority aforesaid, That this act, or any thing herein contained, shall not extend, or be construed to extend, to determine, alter or lessen the several or respective subsidies of poundage, or other duties, payable upon the exportation of allom, lead, lead ore, tin, leather tanned, copperas, coals, wool cards, white woollen cloths, *Lapis Calaminaris*, skins of all sorts, glew, coney hair or wool, hares wool, hair of all sorts, horses, and litharge of lead; any thing herein contained to the contrary notwithstanding.

Duties on allom, lead, &c. exported, to continue.

IX. And be it enacted by the authority aforesaid, That it shall and may be lawful to or for any person or persons, after the said twenty fifth day of *March* one thousand seven hundred and twenty two, to export out of any port of this kingdom, in which there is a customer or collector, all such goods and merchandizes of the produce or manufacture of *Great Britain*, as may now be lawfully exported, and that without paying any subsidy, or other duty whatsoever (other than for the goods or merchandizes, touching which an exception or special provision is before made in this act) so as a due entry be first made of the said goods or merchandizes in such custom-house respectively, where the same shall be exported, in the same manner and form, expressing the quantities and qualities of the respective goods, as was used and practised before the making of this act, and so as the same be shipped by the proper officer for that purpose, on failure whereof the said goods to be liable to the payment of the duties, as if this act had never been made; any law, statute, provision or usage to the contrary in any wise notwithstanding.

On entry, &c. all goods of British produce, lawfully exported, to be custom-free.

X. And for the further encouragement of the manufactures of this kingdom, by the promoting the importation of drugs, and other goods used for dying; be it enacted by the authority aforesaid, That from and after the twenty fifth day of *March* one thousand seven hundred and twenty two, it shall and may be lawful to import into this kingdom all sorts of drugs and other goods, herein after particularly enumerated, which are used for dying; that is to say, *Agarick, Annotto, Antimonium Crudum, Aqua-fortis, Argoil, Arsenick, Bayberries, Brazil Wood, Braziletto Wood, Cochineal, Cream of Tartar, Fustick, Galls, Gum Arabick, or Gum Seneca, Indico of all sorts, Isinglass, Litmus, Logwood, Madder of all sorts, Madder Roots, Nicaragua Wood, Orbal, Orchelina, Pomegranate Peels, Red Wood, Saflower, Sal-Armoniack, Sal-gem, Sappan Wood, Red Saunders, Shoem-ck, Sticklack, Turnsole, Valonia and Verdegrease*, without paying any subsidy, custom, imposition, or other duty whatsoever for the same (*Salt-Petre* always excepted) so as a due entry be first made thereof in the custom-house belonging to the port into which such drugs, or other dying goods, shall be imported, in the same manner and form, expressing the quantities

On entry dying drugs, &c. imported, duty-free.

and

and qualities of the respective goods, as was used and practised before the making of this act, and so as the same be landed in the presence of the proper officer appointed for that purpose, and so as such importation be according to the rules prescribed and enjoined by an act of parliament passed in the twelfth year of the reign of King Charles the Second, intituled, *An act for the encouragement and increasing of shipping and navigation*, and on failure of the said conditions or directions herein last mentioned, such drugs or dying goods, shall be liable to the payment of the respective duties, as if this act had never been made; any law, statute, provision or usage to the contrary in any wise notwithstanding.

12Car.2. c.18.

XI. *And to the end the encouragement given to the manufactures of this kingdom, in allowing the before mentioned foreign drugs, or other goods used in dying, to be imported duty-free, according to the true meaning of this act, may in no wise tend to the benefit of manufactures made in foreign parts, as it may do, should such drugs, or other goods used in dying, be again carried out of this kingdom, without paying any duty for the same, whereby they may be sold in foreign markets so much cheaper: we your Majesty's said dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do give and grant to your Majesty, and do humbly beseech your Majesty, That it may be enacted, and be it enacted by the authority aforesaid, That for and upon all foreign goods, commodities, or materials used in dying, which shall be imported into this kingdom free of duty by virtue of this present act, and which, from and after the twenty fifth day of March one thousand seven hundred and twenty two, shall be again exported thereout, there shall be paid and answered to his Majesty, his heirs and successors, a subsidy of poundage upon the value of twenty shillings, according to the several rates and values hereafter mentioned, the sum of six pence, and so after that rate for greater or lesser quantities; that is to say,*

Foreign goods, &c. used in dying imported duty-free, and after 25 March 1722, exported, to pay 6 d. upon every 20 s.

Agarick trimmed.

Agarick trimmed or pared, the pound-weight, six shillings and eight pence.

Agarick rough.

Agarick rough and untrimmed, the pound-weight, one shilling and eight pence.

Annotto.

Annotto the pound-weight, one shilling.

Antimonium crudum.

Antimonium Crudum, the hundred-weight, containing one hundred and twelve pounds, six shillings and eight pence.

Aqua Fortis.

Aqua Fortis the bottle, containing four gallons, two pounds five shillings, and after that rate for a greater or lesser quantity.

Argoil.

Argoil, the hundred-weight, containing one hundred and twelve pounds, one pound three shillings and four pence.

Arsenick.

Arsenick, the pound weight, one penny and one third part of a penny.

Bayberries.

Bayberries, the hundred weight, containing one hundred and twelve pounds, four shillings five pence and one third part of a penny.

Brazil.

Brazil or *Furnamback Wood*, the hundred-weight, containing one hundred and twelve pounds, one pound fifteen shillings.

Bra-

- Braziletto* or *Jamaica Wood*, the hundred-weight, containing one hundred and twelve pounds, one pound one shilling and eight pence. *Braziletto.*
- Cochineal*, the pound-weight, six shillings and eight pence. *Cochineal.*
- Cream of Tartar*, the hundred-weight, containing one hundred and twelve pounds, forty shillings. *Cream of Tartar.*
- Fustick*, the hundred-weight, containing one hundred and twelve pounds, five shillings. *Fustick.*
- Galls*, the hundred-weight, containing one hundred and twelve pounds, forty shillings. *Galls.*
- Gum Arabick* or *Gum Seneca*, the hundred-weight, containing one hundred and twelve pounds, ten shillings. *Gum Arabick.*
- Indico* of all sorts, the pound-weight, three shillings and four pence. *Indico.*
- Isinglass*, the hundred-weight, containing one hundred and twelve pounds, one pound thirteen shillings and four pence. *Isinglass.*
- Litmus*, the hundred-weight, containing one hundred and twelve pounds, twenty shillings. *Litmus.*
- Logwood*, the hundred-weight, containing one hundred and twelve pounds, forty shillings. *Logwood.*
- Madder* of all sorts, the hundred-weight, containing one hundred and twelve pounds, one pound ten shillings. *Madder.*
- Madder Roots*, the pound-weight, four pence. *Madder Roots.*
- Nicaragua Wood*, the tun-weight, eight pounds. *Nicaragua Wood.*
- Orchal*, the hundred-weight, containing one hundred and twelve pounds, forty shillings. *Orchal.*
- Orchelia*, the hundred-weight, containing one hundred and twelve pounds, twenty shillings. *Orchelia.*
- Pomegranate Peels*, the hundred-weight, containing one hundred and twelve pounds, thirteen shillings and four pence. *Pomegranate Peels.*
- Red Wood* or *Guinea Wood*, the hundred-weight, containing one hundred and twelve pounds, one pound ten shillings. *Red Wood.*
- Safflower*, the pound-weight, one shilling. *Safflower.*
- Sal Armoniack*, the pound-weight, six pence and two third parts of a penny. *Sal Armoniack.*
- Sal-gem*, the pound-weight, two pence and two third parts of a penny. *Sal-gem.*
- Sapan Wood*, the hundred-weight, containing one hundred and twelve pounds, ten shillings. *Sapan Wood.*
- Red Saunders*, the hundred-weight, containing one hundred and twelve pounds, one pound six shillings and eight pence. *Red Saunders.*
- Shoemack*, the hundred-weight, containing one hundred and twelve pounds, thirteen shillings and four pence. *Shoemack.*
- Sticklack*, the pound-weight, four pence. *Sticklack.*
- Turnsole*, the pound-weight, two pence and two third parts of a penny. *Turnsole.*
- Valonia*, the ton-weight, seven pounds. *Valonia.*
- Verdigrease*, the pound-weight, six pence and two third parts of a penny. *Verdigrease.*
- Which subsidy of six pence upon the said goods, commodities, or materials used in dying, and exported according to the several
- Subsidy of 6d. on goods, &c. used for dying.

to be recovered as subsidy of poundage on goods exported.

The produce to be appropriated to the same uses as the subsidy of poundage on goods exported is by former acts to be applied.

The powers, &c. in former acts, to be put in execution for applying the subsidy granted hereby.

Duties upon beaver-skins, how to be computed and paid.

Drawbacks allowed after 25 March 1722.

several and respective rates and values thereof, set down in this act, as aforesaid, shall have such or the like respective continuances, and shall and may, from time to time, be raised, received, levied and recovered, by such ways and means, and under such penalties and forfeitures, and with such allowances for goods lost or taken at sea, and in such manner and form, as the subsidy of poundage on goods or merchandizes exported, may be raised, received, levied or recovered, by any law of the customs now in force.

XII. And it is hereby enacted, That the produce of the said subsidy by this act granted for and upon the said dying goods and commodities exported (the necessary charges of management excepted) are and shall be appropriated and applied to and for the same respective uses, and in such proportions, manner and form, and subject to such respective powers of redemption, as the subsidy of poundage on other goods and commodities exported (not herein before exempted from the payment thereof) is by any laws now in force appropriated and applicable; and that all the powers, directions, penalties and forfeitures, clauses, matters and things contained in any act or acts of parliament now in force for appropriating and applying the said subsidy on goods exported, not herein before exempted, shall be practiced and put in execution for appropriating and applying the said subsidy hereby granted accordingly, as fully and effectually, as if the same were again repeated and re-enacted in the body of this present act; any law or custom to the contrary notwithstanding.

XIII. *And whereas beaver-skins imported are valued in the book of rates at six shillings and eight pence per skin, according to which value the duties now payable upon every beaver-skin imported, do amount as follows, that is to say, For the old subsidy, four pence; for the further subsidy, four pence; for the one third subsidy, one penny and one third part of penny; for the two third subsidy, two pence and two third parts of a penny, and for the additional impost, four pence; amounting in the whole to sixteen pence per skin, as by several acts of parliament now in force doth appear; be it further enacted by the authority aforesaid, That from and after the twenty fifth day of March one thousand seven hundred and twenty two, the duties upon beaver-skins from thenceforth to be imported, shall be computed and paid, as if they had been valued in the said book of rates at two shillings and six pence per skin, according to which value, there shall be paid for every beaver-skin so imported, six pence, and no more, which shall be applied to the said several subsidies and additional impost, in such proportions as sixteen pence bears to six pence; any former act or acts of parliament to the contrary notwithstanding.*

XIV. Provided always, and it is hereby further enacted, That from and after the said twenty fifth day of March one thousand seven hundred and twenty two, upon the exportation of any of the said beaver-skins within the time allowed by law, for which the duties chargeable by his act shall have been first paid or secured, there shall be allowed a drawback of a moiety of the said respective sum so paid or secured, and no more, which drawback shall be made, or allowed,

allowed, according to such rules and methods, as drawbacks are allowed by any law now in force relating to the customs.

XV. *And whereas pepper imported directly from the place of its growth, in English built shipping, is valued in the book of rates at one shilling and eight pence per pound-weight, according to which value it now pays, or is liable to pay, several subsidies, after the rate of twelve pence in the pound; and there is also charged thereupon an impost of three pence, and a new duty of eighteen pence per pound-weight, which subsidies, and other duties, amount in the whole to one shilling and eleven pence halfpenny per pound-weight, (over and above one halfpenny per pound-weight, chargeable for the half-subsidy upon the importation thereof) and the said duties amounting to one shilling and eleven pence halfpenny per pound-weight, are or ought to be applied in manner following; that is to say, For half the said old subsidy, one halfpenny; for the said further subsidy, one penny; for the one third subsidy, one third part of a penny; for the two third subsidies, two third parts of a penny; for the old impost, three pence; and for the new duty, one shilling and six pence, as by several acts of parliament now in force doth appear; be it further enacted by the authority aforesaid, That from and after the twenty fifth day of March one thousand seven hundred and twenty two, the said duties amounting to one shilling and eleven pence halfpenny per pound-weight, upon such pepper, as aforesaid, which thenceforth shall be delivered from the proper ware-houses for home consumption (without altering the half-subsidy now payable upon the importation thereof) shall be lessened and reduced to pay four pence per pound-weight, and no more.*

Duty on pepper for home consumption to be reduced to 4 d. per lb. weight.

XVI. *And for better making a distribution thereof to and amongst the said several subsidies and duties respectively, it is hereby declared and enacted, That the value of the said pepper shall be esteemed at six shillings and eight pence per pound-weight, upon which value twelve pence in the pound doth amount to the said sum of four pence per pound-weight, and the said esteemed value of six shillings and eight pence per pound-weight shall be divided as follows, in order to compute the several duties hereafter to be paid thereupon; to wit,*

Value of pepper how to be esteemed and divided.

To the old subsidy, three pence and one third part of a penny.

To the further subsidy, three pence and one third part of a penny.

To the one third subsidy, and two third subsidy, three pence and one third part of a penny.

To the said impost, ten pence.

And to the said new duty, five shillings.

And the said sum of four pence in the pound shall be apportioned and applied to the said several subsidies, and other duties accordingly; any former act or acts of parliament to the contrary notwithstanding.

Four pence in the pound, how applied.

XVII. *And whereas mace, cloves and nutmegs imported, are valued in the book of rates at the respective values following, that is to say, mace the pound-weight, twenty shillings, cloves the pound-weight,*

Moiety to the King, moiety to prosecutor.

than one imparlance shall be allowed; and one moiety of the said penalties and forfeitures shall be to the use of the King's majesty, and the other moiety to such person or persons as will sue for or prosecute the same.

General issue.

XXIII. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in such action or suit may plead the general issue, and give this act, and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by authority of the said act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants, and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as the defendant or defendants hath or have in other cases by law.

Defendant may recover treble costs.

Beaver-skins, &c. after 25 March 1722, to be imported directly from British plantations. 22 Car. 2. c. 1.

XXIV. And be it enacted by the authority aforesaid, That all beaver-skins, and other furs of the product of any of the *British* plantations in *America, Asia or Africa*, shall, from and after the twenty fifth day of *March* one thousand seven hundred and twenty two, be imported directly from thence into *Great Britain*, and laid on shore there, and not elsewhere, under the penalties and forfeitures contained in an act passed in the twelfth year of the reign of the late King *Charles the Second*, intituled, *An act for the encouraging and encreasing shipping and navigation*, in relation to sugars, tobacco and other enumerated goods, of the growth, production or manufacture of any of the *English* plantations therein mentioned, to be recovered and distributed in such manner, as the penalties and forfeitures relating to the said enumerated goods are, by the said recited act, to be recovered and distributed.

Recital of part of the act of 6 Geo. 1. c. 18.

XXV. And whereas by an act passed in the sixth year of his Majesty's reign, intituled, An act for the better securing certain powers and privileges intended to be granted by his Majesty by two charters, for assurance of ships and merchandizes at sea; and for lending money on bottomry; and for restraining several extravagant and unwarrantable practices therein mentioned, his Majesty was enabled to erect two distinct corporations for assurance of ships, goods and merchandizes at sea, or going to sea, and for other purposes therein mentioned; which said corporations are by the said act obliged, from time to time, during the continuance of the same corporations respectively, to cause such a stock of ready money to be provided and reserved, as shall be sufficient to answer, from time to time, all just demands upon their policies of assurance for any losses whatsoever which shall happen, and to satisfy, pay and discharge the same demands, from time to time, according to the tenors of their respective policies of assurance, and the true meaning of the said act; and in case of refusal and neglect to pay the same, the said corporations are by the said act respectively subjected to pay double damages, besides full costs of suit,

to be recovered by action, bill, suit or information in any of Majesty's courts of record at Westminster: and whereas his Majesty hath been graciously pleased (pursuant to the said act) to erect two distinct corporations for the purposes aforesaid, one by the name and title of the governor and company of the Royal Exchange assurance, and the other by the name and title of the governor and company of the London assurance; and the said corporations have accordingly provided stocks of ready money for answering the purposes of the said act, but do find themselves under discouragements and inconveniencies by being subjected to pay double damages, besides full costs of suit in actions, which they cannot avoid, there being no provision in the said act to oblige the parties assured, to make discovery to the said corporations of their true losses, before any action brought; and unreasonable suits in doubtful cases are encouraged, for the sake of such double damages, and full costs: for remedy whereof, be it enacted by the authority aforesaid, That so much of the said recited act, as sub-

Royal Exchange assurance and London assurance, liable to single damages and costs of suit only.

jects the said corporations, or either of them, to pay double damages, besides full costs of suit, shall be and is hereby repealed; and that in all cases where by the said act or charters the said corporations, or either of them, are subjected to pay double damages, beside full costs of suit, the plaintiff or plaintiffs shall recover against the same corporation or corporations only single damages, and full costs of suit; any thing in the said recited act, or in the charters of the said corporations, or either of them, to the contrary notwithstanding.

C A P. XVI.

An act for taking off the duty upon all salt used in the curing and making of white herrings, and instead thereof laying a proportionable duty upon all white herrings consumed at home only; and for making an allowance for tobacco exported from Scotland, in the time therein mentioned; and for giving a farther relief to the refiners of rock salt.

WHEREAS by an act of parliament made in the fifth year of his present Majesty's reign, intituled, An act for recovering the credit of the British fishery in foreign parts; and for better securing the duties on salt; it is enacted, That all curers of fish shall be allowed to import foreign salt, or take from any salt-works or salt-pits, any such quantity of British salt, where the same is allowed by law, for curing of fish for exportation, as they shall think proper for curing fish for foreign markets, without paying any duty to his Majesty for the same, except the customs payable upon the importation thereof; in consequence whereof, all white herrings spent within this realm, are or should be cured with salt that has paid the duties; but in regard the same are cured promiscuously, it is difficult to distinguish them from such as are intended to be exported, whereby his Majesty may be defrauded in his revenue, without a proper remedy for preventing the same; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords (spiritual and temporal and commons, in this present parliament assembled,

Geo. 1. c. 18; At beginning of sitting-lesson for herrings, proprietors, &c. in

England, &c.
instead of the
oath required
by the act
5 Geo. 1. to
make oath of
the quantity of
salt intended
for curing fish
for exporta-
tion, &c.

Except salt
used for curing
white herrings
for home con-
sumption, &c.

Curer of white
herrings, after
25 March 1721.
before he re-
move them
(except for ex-
portation) to
make entry,
and pay 3s. 4d.
per barrel, &c.
*These duties
revised by
5 Geo. 2. c. 6. f. 3.*
Quantity to be
marked on
casks.
Upon entry,
&c. permit to
be given gra-
tis.

Penalty on re-
moval before
entry, &c.

Moiety to
King, moiety
to officer seiz-
ing, &c.

and by the authority of the same, That at the beginning of every fishing-season for herrings, the proprietor or proprietors of the salt delivered duty-free for the curing of herrings for exportation, in that part of *Great Britain* called *England, Wales,* and *Berwick upon Tweed*, pursuant to the said act, or his or their agent or agents, shall, instead of the oath required by the said act, make oath in writing before the officer for the duty on salt, at the office nearest to the place where the said salt is lodged (who is hereby impowered to administer the same) declaring the quantity of the foreign or *British* salt respectively lodged for curing of fish, and that all the said salt is intended for the curing of fish for exportation only, and shall not, by his or their order, consent or connivance, directly or indirectly, be sold, given away, or any way delivered, but for the purpose aforesaid; except so much thereof as shall be used for curing such white herrings, as shall be entred with the officer of the place for home consumption, and charged with the duties by this act chargeable thereupon.

II. And be it enacted by the authority aforesaid, That every maker or curer of white herrings, in that part of *Great Britain* call *England, Wales* and *Berwick upon Tweed*, from and after the five and twentieth day of *March* one thousand seven hundred and twenty two, before he remove any white herrings (except for exportation) from the office or place where the same shall be cured, shall, from time to time, make entry thereof at the next salt-office, and shall pay to his Majesty, his heirs and successors, a duty of three shillings and four pence for every barrel, containing thirty two gallons, and so in proportion for a greater or lesser quantity: and that every cask or vessel in which such white herrings shall be packed or put up, shall have a mark or marks on the head thereof, shewing the contents or quantity of every such cask or vessel; and upon entry and payment of the duty (each cask or vessel being marked as aforesaid) a permit shall be given *gratis* by the salt-officer, expressing the quantity of white herrings, for which the duties shall be paid as aforesaid, and the marks and numbers of such casks or vessels, and for what place the same are intended, and whether to be sent by land or water carriage, on pain of forfeiting the white herrings that shall be removed or carried away before entry be made, and the duty paid, and without the casks or vessels being marked, and permit obtained as aforesaid, and of the casks or vessels, in which such herrings shall be found, and also the sum of forty shillings for every cask or vessel so removed, to be recovered from the person or persons who shall so remove or carry away the same; one moiety thereof to the use of his Majesty, his heirs and successors, and the other moiety to the officer or officers who shall seize, sue or inform for the same, to be sued for, recovered and levied in such manner, and with such power of mitigation, as any fine, penalty or forfeiture, may be sued for, recovered, levied and mitigated by any law of excise, or by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege or wager of law shall

shall be granted or allowed, nor any more than one imparlance; and all officers of his Majesty's customs, excise or duties upon salt, are hereby authorized and empowered to seize all such white herrings so removed or carried away before entry, and payment of duty, and all other things performed as aforesaid, and the said casks or vessels wherein such white herrings shall be found.

III. And be it further enacted by the authority aforesaid, That the proprietor or proprietors of the salt delivered duty-free, for curing white herrings for exportation, in that part of *Great Britain* called *England, Wales* and *Berwick upon Tweed*, his or their agent or agents, shall, in the account which after the end of every fishing-season, they are to deliver in writing into the salt-office, containing the quantity of fish exported or entred, and shipt to be exported, on which the salt taken away after its delivery into the sole custody of the said proprietor or proprietors, his or their agent or agents, has been used or consumed, as by the former law is directed (and under the penalties thereby prescribed) express also the quantity of white herrings entred for home consumption, on which such salt has been used or consumed.

IV. Provided always, and it is hereby further enacted by the authority aforesaid, That in case the duties of excise on salt (which now amount to three shillings and four pence *per bushel* on home-made salt, and six shillings and eight pence *per bushel* on foreign salt) or any of them, shall cease, determine or be redeemed by parliament, then the rate or duty by this act imposed upon white herrings shall cease, or be lessened in proportion to the duties on salt that shall so cease, determine or be redeemed; any thing herein contained to the contrary notwithstanding.

V. And whereas an act passed in the eighth year of her late Majesty's reign, for continuing several impositions, additional impositions, and duties upon goods imported, to raise money by way of loan, for the service of the year one thousand seven hundred and ten, and for better preventing frauds on drawbacks upon certificate goods; and for other purposes therein mentioned; in which act there were several regulations enacted to be complied with, in order to entitle the exporters of tobaccos to their debentures; which new regulations being made to commence from the seven and twentieth day of March one thousand seven hundred and ten, by which time the same could not be known in Scotland, several parcels of tobaccos through ignorance were exported from thence, without regard to the regulation laid down in the said act, the debentures of which tobaccos have been refused to be made forth and allowed to the merchants upon that account only; be it therefore enacted by the authority aforesaid, That for all tobaccos exported from Scotland after the seven and twentieth day of March one thousand seven hundred and ten, and before the seventh day of May next following, the barons of the exchequer in Scotland shall cause the debentures to be made forth and allowed to the merchants, according to the law then in force, before the seven and twentieth day of March one thousand seven

Officers to seize white herrings removed before entry, &c.

Proprietor of salt duty-free, to express quantity of white herrings.

Duty upon white herrings shall cease, or be lessened, proportionably to duties on salt.

8 Ann. c. 13.

Debentures allowed on tobacco, exported from Scotland, since 27 March 1719, and before 7 May next.

hundred and ten; any thing in the aforesaid act to the contrary notwithstanding.

5 Geo. 1. c. 16.

VI. *And whereas by an act of parliament made in the fifth year of his present Majesty's reign, intituled, An act for the recovering the credit of the British fishery in foreign parts; and for better securing the duties on salt; it is enacted, That the curers of fish shall be allowed to import foreign salt, or take from any salt-works or salt-pits any such quantity of British salt, where the same is allowed by law for curing fish for exportation, as they shall think proper for curing fish for foreign markets without paying any duty to his Majesty for the same, except the customs payable upon the importation thereof: and whereas the refiners of salt from rock-salt cannot have equal benefit of the said act with the proprietors of other salt, the said refiners being obliged to pay, or give security to pay, the duty before the rock-salt be removed from the pits, and cannot draw it back, there being no provision made in what manner the said duty shall be drawn back; for remedy whereof, be it enacted by the authority aforesaid, That from and after the five and twentieth day of March one thousand seven hundred and twenty two, it shall and may be lawful for any refiner of rock-salt to deliver in the presence of an officer of the salt-duties, to any curer or curers of fish, any such quantity of refined salt, where the same is allowed by law for curing fish for exportation, as they shall think proper for curing fish for foreign markets; and the collector of the salt-duties shall give a certificate under his hand, expressing the true quantity delivered, and to whom, and whither to be carried; and the officer of the place whither the same shall be carried for the curing of fish for foreign markets, shall give a certificate of the true quantity brought thither, and lodged in a warehouse under the lock and key of the said officer, as well as the proprietor of the said salt; and if it shall appear to be the full quantity that was first delivered (making reasonable allowance for waste) such certificate shall be accepted by the collector of the duties on salt at the rock-pits, towards discharging the security given for the duty on the rock-salt made use of in making the said refined salt; and that upon the warehousing any such refined salt, or any other salt delivered duty-free, for the curing fish for foreign markets, that has been brought by sea in any ship or vessel whatsoever, the master or his mate, or the boatswain of such ship or vessel, shall make oath before the officer of the salt duties (who is hereby impowered to administer the same) that all the salt he took in, or loaded at the place of loading (mentioning the quantity) is truly delivered to be lodged in a warehouse under the lock and key of the officer, and that there was no salt added to it or taken from it at such place of loading, or since he came from it, to the best of his knowledge and belief, under the penalty of forfeiting double the value of the salt that shall be otherwise delivered, and ten shillings per bushel; and if it shall happen that the vessel on which such refined salt as aforesaid, is shipped, shall either perish at sea, or be taken by enemies, with such salt on board her, that in such case any merchant or person, owner of the said salt,*

Relief given
to refiners of
rock-salt.

Relief for
rock-salt pe-
rished, or tak-
en by ene-
mies.

shall, upon proof made before the justices of the peace at the quarter-sessions held for the county, riding, division or town, wherein he doth inhabit, of the loss of such salt so shipped, receive from the said sessions a certificate that such proof was made before them; and upon producing the said certificate to the collector of the salt-duties at the rock-pits, such certificate shall be accepted by such collector, towards discharging the security given for the duty on the rock-salt made use of in making such refined salt.

CAP. XVII.

An act for more equal paying and better collecting certain small sums therein mentioned, for relief of shipwrecked mariners, and distressed persons (his Majesty's subjects) in the kingdom of Portugal; and for other pious and charitable purposes usually contributed to by the merchants trading to Portugal.

WHEREAS it is just and reasonable that all British merchants trading to Portugal, should proportionably contribute to the relief of shipwrecked mariners, and other distressed persons, your Majesty's subjects there, and to the other pious and charitable purposes herein after mentioned: and whereas it hath been usual for the consul general for the time being, appointed for all persons trading from the kingdoms of Great Britain and Ireland, to the kingdoms and dominions of Portugal, or his deputy consuls, with the majority of the British merchants and factors there, to receive and recover (for the purposes aforesaid) from all British merchants and factors residing in Portugal, and all others your Majesty's subjects trading thither from any of your Majesty's dominions, so much money as should not exceed four Reis per Mill Reis, upon the valuation of their goods in the customhouse of Lisbon; and for all corn, grain, butter, and other goods, which pay no custom to the King of Portugal, so much money as should not exceed four Reis per Mill Reis, and what they should be valued at, to be paid to such treasurer as should be annually chosen by such consul, and the majority of the British merchants and factors, in the same manner as two Reis per Mill for relief of shipwrecked mariners, and other distressed persons, your Majesty's subjects, have been usually collected; and that such treasurer should, out of the said money, pay yearly to the minister residing there, three hundred Mill Reis per annum, for his maintenance and subsistence, to pray, preach and exercise his ministerial function; and that the remainder of the said money should be disposed of, from time to time, according to the directions of the said consul, with the majority of the said merchants and factors: and whereas several persons have of late consigned goods and merchandizes exported from this kingdom, Ireland, and other your Majesty's dominions, unto strangers and foreigners residing at Lisbon, and elsewhere in the dominions of the King of Portugal, and have thereby not only eluded the pious and charitable purposes aforesaid, but have occasioned an unequal charge on your Majesty's other trading subjects: and whereas it will be for the ease and advantage

Reasons for making this act.

After 29 Sept. 1722. Persons to be appointed by the British merchants residing in Portugal assembled with the consul general, may receive from all masters of ships trading from Great Britain, Ireland, &c. to Portugal. 200 Reis per tun, on all tonnage goods, except wheat, &c. 100 Reis per ton on all wheat, &c. and 15l. per centum on the freight of other goods exported to Portugal.

Bills of lading to specify the monies. Persons paying, to be reimbursed by the freighters. If no bill of lading appear, or no freight is settled between the owners and masters, then the freight shall be valued by two British merchants, who not agreeing shall chuse an umpire.

of your Majesty's subjects in general trading to Portugal, to alter the payments before-mentioned, and put the national expence of the said trade upon a just and equitable foot: may it therefore please your most excellent Majesty, that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty ninth day of September which shall be in the year of our Lord one thousand seven hundred and twenty two, it shall be lawful to and for such person or persons as shall be authorized and appointed, from time to time, by the majority of the *British* merchants and factors residing in *Portugal*, being assembled with the consul general for the time being, appointed or to be appointed for your Majesty's subjects trading to *Portugal*, or with his deputy-consul or deputy-consuls, or any of them, in any of the ports or places in *Portugal*, or any of the dominions thereof, to receive and recover from all masters, or other chief officers or commanders of all *British* ships or vessels trading from *Great Britain* or *Ireland*, or any other part of your Majesty's dominions, to any of the kingdoms or dominions of the King of *Portugal*, the following sums (to be employed for the pious and charitable purposes herein mentioned) that is to say, any sum or sums of money not exceeding two hundred *Reis* per ton, on all tonnage goods, (except wheat, barley, rye, coals, timber, boards and lumber) and any sum or sums of money not exceeding one hundred *Reis* per ton, on all wheat, barley, rye, coals, timber, boards and lumber; and any sum or sums of money, not exceeding fifteen *per centum* on the freight of all other goods and merchandizes exported from any of your Majesty's dominions to *Lisbon*, or any other port or place in any of the dominions of the King of *Portugal*; and all bills of lading of such ships and vessels, shall specify to pay the said monies accordingly, under the denomination of contribution, as *per* act of parliament, or to that effect; and the persons paying the same shall be reimbursed by their respective freighters, or by the persons to whom the said goods and merchandizes shall be consigned, or who shall receive the same: and in case no bill of lading shall appear, or no freight or tonnage is settled between the owner or owners of the goods or merchandizes and the master or commander of any *British* ship or vessel trading as aforesaid, then the freight or tonnage of such goods or merchandizes shall be valued by two indifferent *British* merchants on the place; one to be chosen and appointed by the consul general, or his deputy consul, and the other by the master or commander of such ship or vessel, within ten days next after unlading the said goods; and in case the two persons so chosen shall not agree and award the same in five days next after such appointment, such two persons shall then chuse a third person (being a *British* merchant on the place) as an umpire who shall decide and determine the said valuation of freight or tonnage in
three

three days, and such sums shall be paid in either case (for the purposes aforesaid) as shall be agreeable to this act.

II. And be it enacted by the authority aforesaid, That all All masters, &c. within ten days after their arrival in Portugal, to deliver on oath to the consul general, &c. a manifest of the cargo, &c. masters, commanders, or other chief officers of all *British* ships and vessels, trading from *Great Britain* or *Ireland*, or any other of your Majesty's dominions, to any of the dominions of the King of *Portugal*, and unloading or delivering the ship or vessel, or any of the cargo there, shall, within ten days after the arrival of such ship or vessel, deliver to the consul general, or deputy consul residing there, or to such other person or persons as shall be appointed for that purpose, as aforesaid, a true manifest in writing upon oath, specifying the particulars of the whole cargo of such ship and vessel so unloaded or delivered, or of such part thereof as shall be unloaded or delivered there, and to whom consigned, which oath such consul general, deputy consul, or other person or persons to be appointed as aforesaid, is and are hereby respectively impowered and required to administer *gratis*, upon request.

III. And for better collecting the payment of the said monies herein before directed to be paid for the pious and charitable purposes aforesaid; be it enacted by the authority aforesaid, That the said consul general or his deputy consul, in any of the dominions of the King of *Portugal*, shall, and they are hereby respectively authorized and required to detain the clearances outward of all such *British* or *Irish* ships and vessels, and not to give or deliver any dispatch or passport for any such ship or vessel, until payment be made, as aforesaid. The consul, &c. to detain the clearances outward till payment.

IV. And be it further enacted, That all monies to be raised or received as aforesaid, shall be applied in manner following; that is to say, To the minister residing at *Lisbon*, for the time being, for his support and subsistence to pray, preach and exercise his ministerial function there, three hundred *Mill Reis per annum*, by equal quarterly payments; and the remainder of the said monies shall be applied for relief of shipwrecked mariners, and other distressed persons, his Majesty's subjects, and to such other pious, charitable and publick uses, as shall from time to time be appointed by the majority of the *British* merchants and factors residing at *Lisbon*, and other ports and places in *Portugal*, and dominions thereof respectively, being assembled with the consul general for the time being, or any of his deputy consuls, as aforesaid. How the money shall be applied.

V. Provided, and be it enacted by the authority aforesaid, That all persons liable to pay the four *Reis per Mill Reis* herein before mentioned for the purposes aforesaid, shall, after payment made of the sums required by this act, from time to time, to be paid, as aforesaid, be exempted and discharged from payment of the said four *Reis per Mill Reis* for the future. Persons exempted from former payments, upon payment of the sums required by the act.

VI. And be it enacted by the authority aforesaid, That the consul general for the time being, appointed or to be appointed for your Majesty's subjects trading to *Portugal*, or his deputy consul or deputy consuls residing at *Lisbon*, or elsewhere, in any The consul general, &c. to call a general meeting of the British merchants and

factors, the majority of whom shall order all matters relating to the premisses.

of the dominions of the King of *Portugal* respectively, shall, from time to time, as he or they shall see occasion for effecting the purposes of this act, call and summon a general meeting or assembly of the *British* merchants and factors residing at *Lisbon*, or elsewhere in the dominions of the King of *Portugal* respectively, and he and they are hereby obliged and required, from time to time, to call and summon such general meetings or assemblies as often as shall be desired by writing under the hands of any five or more of the *British* merchants or factors aforesaid, and the majority at such meetings or assemblies shall, from time to time, order and determine all matters and things relating to the premisses.

Publick act.

General issue.

VII. And be it enacted by the authority aforesaid, That this act shall be esteemed and taken in all courts of justice, and elsewhere, to be a publick act, and shall be taken notice of as such, without special pleading of the same: and if any action shall be brought, or suit commenced against any person or persons, for any thing done in pursuance of this act, or in relation to the premisses, the defendant or defendants in such action may plead the general issue, and give this act, and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance, and by the authority of the said act; and if the same shall appear to have been so done, then the jury shall find for the defendant or defendants, or if the plaintiff or plaintiffs shall become nonsuited, or suffer a discontinuance of his, her or their action or actions, or if a verdict shall pass against the plaintiff or plaintiffs, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have full costs, and shall have such remedy for the same, as any defendant or defendants hath or have for costs in other cases by law.

Full costs.

C A P. XVIII.

An act to prevent the clandestine running of goods and the danger of infection thereby; and to prevent ships breaking their quarantine; and to subject copper-ore of the production of the British plantations to such regulations, as other enumerated commodities of the like production are subject.

For the continuance of this act see 2 Geo. 2. c. 28. sect. 6.
3 Geo. 2. c. 21.
15 Geo. 2. c. 33.
20 Geo. 2. c. 47.

5 Geo. 1. c. 11

FORASMUCH as the laws already made to prevent the secret landing of prohibited and uncustomed goods have been found insufficient for that purpose, it being notorious that such infamous and pernicious practices are still continued in open defiance of the laws, to the great diminution of the publick revenues, the discouragement of honest traders, and during the time of infection abroad, to the endangering the health and lives of many thousands of his Majesty's innocent subjects, by bringing into this kingdom, from infected places, goods apt to retain infection: and whereas by an act passed in the fifth year of his present Majesty's reign, intituled, An act against clandestine running of uncustomed goods; and for the more effectual preventing of frauds relating to the customs, it was enacted, That any

ship,

*ship, vessel or boat of the burthen of fifteen tons, or under, wherein any brandy, arrack, rum, strong waters or spirits of any kind whatsoever should be imported or brought into Great Britain, or into any port, harbour, haven or creek thereof (except as therein is excepted) such ship, vessel or boat, with all her tackle, furniture and apparel, or the value thereof, should be forfeited and lost, and should and might be seized, recovered, broke up and sold, as therein mentioned, which forfeiture is, by an act passed in the sixth year of the reign of his present Majesty, intituled, An act for preventing frauds and abuses in the publick revenues of excise, customs, stamp-duties, post-office and house-money, extended to vessels of thirty tuns: and whereas to elude the intent of the said laws many persons do now carry on a clandestine trade by importing those goods in ships and vessels above the burthen of thirty tuns: for the prevention thereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That if any foreign brandy, arrack, strong waters or spirits of any kind whatsoever shall, from and after the twenty fifth day of *March* one thousand seven hundred and twenty two, be imported or brought into *Great Britain*, or into any port, harbour, haven or creek thereof, in any ship, vessel or boat of the burthen of forty tuns or under, according to the admeasurement prescribed in the last mentioned act (except only for the use of the seamen then belonging to and on board such ship, vessel or boat, not exceeding two gallons for each such seaman) every such ship, vessel or boat, with all her tackle, furniture and apparel, as also all such brandy, arrack, strong waters or spirits, or the value thereof, shall be forfeited, and shall and may be seized by any officer or officers of the customs, and shall and may be prosecuted and divided in such manner and form, as is prescribed in the said acts concerning ships, vessels and boats of fifteen or thirty tuns as aforesaid; any law or custom to the contrary notwithstanding.*

6 Geo. 1. c. 21.
sect. 29.

After 25
March 1722.
no brandy,
&c. to be im-
ported in any
vessel less than
40 tuns.

Penalty.

II. And be it further enacted by the authority aforesaid, That after the seizure and condemnation of such ship, vessel or boat, the principal officers of his Majesty's customs in the port or place where the same shall be at the time of such condemnation, are hereby directed to cause the hull of such ship, vessel or boat to be burnt and wholly destroyed, and the tackle, furniture and apparel thereunto belonging, to be publickly sold to the best advantage, and the produce thereof to be divided as herein after-mentioned, the reasonable charges of prosecuting, selling and burning as aforesaid being first deducted.

After seizure
and condem-
nation, hull of
ship to be
burnt, and
the tackle, &c.
sold.

III. *And whereas many frauds are committed to the prejudice of the revenue in the clandestine running of goods imported, and in re-landing certificate goods, as well as in exporting wool and the coin of this kingdom, by watermen and others in boats, wherries, pinnaces, barges and gallies, which are sometimes rowed with six, eight or twelve oars, built on purpose for the smuggling trade; and in case they are pursued by the officers, do make their escape, which may be also a*

means

Boats, &c. rowing with more than four oars, above or below London bridge, &c. forfeited.

Owner, &c. to forfeit 40 l.

Boat, &c. after condemnation, to be burnt. The vessels condemned may be used, &c. by 12 Geo. 1. c. 28. s. 14.

To what barges, &c. this act shall not extend.

Licences to be signed by the admiralty.

Security to be given, that boat shall not be used for running of uncustomed goods, &c.

means of bringing in the infection: for the preventing whereof, be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of *March* one thousand seven hundred and twenty two, if any boat, wherry, pinnace, barge or galley, rowing or made or built to row with more than four oars, shall be found upon the water or in any bargehouse, workhouse, shed or other place within any of the counties of *Middlesex, Surrey, Kent, or Essex*, or in the river of *Thames* either above or below *London-Bridge*, or within the limits of the ports of *London, Sandwich or Ipswich*, or the members or creeks to them, or either of them respectively belonging, such boat, wherry, pinnace, barge or galley, with all her tackle and furniture, or the value thereof, shall be forfeited, and shall and may be seized by any officer or officers of the customs; and the owner or owners thereof, or any person using or rowing in such boat, wherry, pinnace, barge or galley, shall also forfeit and lose the sum of forty pounds; and such seizure and forfeiture shall and may be prosecuted in the manner herein after mentioned; and after the seizure and condemnation of such boat, wherry, pinnace, barge or galley, the principal officers of his Majesty's customs in the port or place where the same shall be at the time of such condemnation, are hereby directed to cause such boat, wherry, pinnace, barge or galley to be burnt and wholly destroyed, and the tackle, furniture and apparel thereunto belonging to be publicly sold to the best advantage, the produce whereof to be divided as herein after mentioned; the reasonable charges of prosecuting, selling and burning as aforesaid being first deducted.

IV. Provided always, That this act shall not extend or be construed to extend to any barge or galley belonging to or to belong to his Majesty, or the royal family, or any of them, or to any long-boat, yaul or pinnace belonging to and used in the service of any merchant-ship or vessel, or to such boat, wherry, pinnace, barge or galley, as shall be licensed by the lord high admiral, or commissioners for executing the office of lord high admiral, or the major part of the same commissioners for the time being; which licences shall be in writing, signed by the said lord high admiral, or commissioners for executing the office of lord high admiral, or the major part of such commissioners for the time being, and shall be granted without any fee or charge whatsoever.

V. Provided always, That no such licence shall be granted, but upon sufficient security to be given to his Majesty, his heirs and successors, by the owner or owners of such boat, wherry, pinnace, barge or galley, by bond, in such penalty as the lord high admiral, or commissioners for executing the office of lord high admiral for the time being, shall find to be reasonable, with condition that the same shall not be made use of in the clandestine running of uncustomed and prohibited goods; which security the said lord high admiral, or the commissioners for executing the office of lord high admiral, who shall grant such licence,

licence, are hereby impowered and required to take for the use of his Majesty, his heirs and successors.

VI. And be it further enacted by the authority aforesaid, That Persons passing from and after the said twenty fifth day of *March* one thousand seven hundred and twenty two all and every person and persons, who shall be found passing (knowingly and willingly) with any foreign goods or commodities landed from any ship or vessel, without the due entry and payment of the duties by law charged thereon, in his, her or their custody, from any of the coasts, of this kingdom, or within the space of twenty miles of any of the said coasts, and shall be more than five persons in company, or shall carry any offensive arms or weapons, or wear any vizard, mask or other disguise, when passing with such goods or commodities as aforesaid, or shall forcibly hinder or resist any of the officers of the customs or excise in the seizing or securing any forts or kinds of run goods or commodities, shall be deemed and taken to be runners of foreign goods and commodities within the meaning of this present act, and (being convicted of or for any of the said offences, for which he, she or they so convicted are by this present act declared to be deemed and taken to be runners of foreign goods and commodities) shall be adjudged guilty of felony, and shall, for such his, her or their offence, be transported as a felon to some or one of his Majesty's colonies or plantations in *America*, there to remain for the space of seven years, in the same manner as felons are appointed to be transported by an act made in the fourth year of his Majesty's reign, intituled, *An act for the preventing of robbery, burglary and other felonies; and for the more effectual transportation of felons and unlawful exporters of wool; and for declaring the law in some points against piracies*; and by another act made in the sixth year of his Majesty's reign, intituled, *An act for the further preventing robbery and burglary and other felonies; and for the more effectual transportation of felons*; and if any such offender or offenders shall return into *Great Britain* or *Ireland* before the expiration of the said seven years, he, she or they so returning shall suffer as felons, and have execution awarded against him, her or them, as persons attainted of felony, without benefit of clergy.

VII. Provided nevertheless, and it is hereby enacted and declared by the authority aforesaid, That if any runner of foreign goods or commodities as aforesaid shall, within two months after such his offence, and before his conviction, discover two or more of his accomplices therein to the commissioners of the customs or excise in *England* or *Scotland* respectively, so as they, or two of them at least, be convicted of such offence, the offender or offenders so discovering shall have and receive the sum of forty pounds for every such offender so discovered and convicted, as a reward for such his discovery; so as the value of the goods recovered for the use of his Majesty on such discovery shall exceed the sum of fifty pounds; and such person so discovering shall be clearly acquitted and discharged of such his or her offence.

VIII. And

Other persons discovering in three months, to have 40l. over and above any other reward.

Reward to be paid by the receivers general and cashiers of the customs and excise, by order of the commissioners in England and Scotland respectively.

Persons receiving goods, &c. clandestinely run, &c. forfeit 20l.

VIII. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of *March* one thousand seven hundred and twenty two, if any other person or persons shall, within three months after such offence shall have been committed, discover to the said commissioners respectively any person or persons who shall have been guilty of such offence, so as such offender or offenders be convicted thereof, such discoverer or discoverers shall have and receive the like reward of forty pounds for every such offender so discovered and convicted, over and above any other reward or recompence, which he or they may be entitled unto, on account of the goods so carried or conveyed away, which shall be recovered by means of such his or their discovery, or on account of the penalties which shall be recovered for the running of the said goods, so as the value of the said goods recovered for the use of his Majesty on such discovery shall exceed the sum of fifty pounds.

IX. And be it further enacted by the authority aforesaid, That the commissioners of the customs and excise in *England* and *Scotland* respectively shall cause the several rewards of forty pounds for the discovery of the offenders before-mentioned, to be paid by the respective receiver general or cashier of the customs and excise for the time being, out of any publick money in his or their hands under the management of the said commissioners, in proportion to the duties payable on the goods so clandestinely run, for which such person or persons shall be convicted, upon producing to them a certificate or certificates under the hand of the judge or justice of the court before whom such offender or offenders shall be tried, certifying the conviction of the offender or offenders, and the money paid by any receiver general or cashier as aforesaid shall be accepted of and allowed in his accounts, as so much money paid to his Majesty, and such receiver general or cashier is and shall be hereby discharged thereof accordingly; any law, custom or usage to the contrary notwithstanding.

X. *And forasmuch as the persons using such clandestine trade are greatly encouraged to continue the same, by reason great numbers of persons, for their private lucre, receive and buy the goods and merchandizes so by them clandestinely imported contrary to law, which may be a means of bringing in the infection:* be it therefore enacted by the authority aforesaid, That if any person or persons shall receive or buy any goods, wares or merchandizes so clandestinely run or imported, before the same shall have legally been condemned, knowing the same to be so clandestinely run or imported, and shall be thereof lawfully convicted upon his, her or their appearance or default, upon the oath or oaths of one or more credible witness or witnesses, or by the confession of the party, by one or more justice or justices of the peace of the county, division, or liberty where such offence shall be committed, or the offender shall be found (which oath such justice or justices of the peace are hereby required to administer) the person so convicted shall forfeit the sum of twenty pounds; one moiety

moiety thereof to the informer, and the other moiety to the poor of the parish where such offence shall be committed, the same to be levied by distress and sale of the offender's goods, by warrant under the hand and seal or hands and seals of such justice or justices before whom such offender shall be convicted as aforesaid; and for want of such distress every such offender shall by such justice or justices be committed to prison, there to remain without bail or mainprize for the space of three months.

XI. *And whereas several considerable dealers in foreign brandy, spirits or strong waters have and keep very large stocks or quantities of foreign brandy, spirits or strong waters for sale, many whereof live upon or near the coasts of this kingdom, and thereby have or may have opportunities for furnishing themselves with the said brandy, spirits or strong waters, either by running the same themselves, or procuring it from others who have or shall run it: and whereas many of the said dealers are gotten into a practice of receiving into their custody great quantities of spirits made in this kingdom, which for the most part are brought to them from London, with permit or certificate that the duties of the same have been paid, which spirits are either drawn so low, or by mixing the same with water made of so mean a quality, that of themselves they are of little or no value, and by having those spirits in their custody, the said dealers have opportunities of increasing their stocks of foreign brandy, spirits or strong waters, which they either run themselves, or procure others to do it for them; and when such increase is discovered by the officers of the excise, the same is pretended to have been made by a mixture of the said mean British spirits with their foreign brandy, spirits or strong waters, whereas in truth they really destroy the said British spirits, and do not mix the same with their foreign goods, whereby the practice of running the same is become difficult to be found out and discovered, and the pernicious trade of running the said foreign brandy, spirits or strong waters successfully carried on: for remedy whereof, be it enacted by the authority aforesaid, That from and after the said twenty fifth day of March one thousand seven hundred and twenty two all dealers in foreign brandy, spirits or strong waters, who shall then have, or from thenceforth receive into their custody, any British spirits, shall keep the same separate and apart, and in separate cellars, vaults or other places, from their foreign brandy, spirits or strong waters, upon pain of forfeiting the sum of ten shillings for every gallon of British spirits which shall be found in any vault, cellar or other place where any dealer in foreign brandy, spirits or strong waters shall have or keep any foreign brandy, spirits or strong waters, together with the casks and other vessels wherein the same British spirits shall be found.*

All dealers in foreign brandy, &c. to keep them separate from British spirits, on penalty of 20s. for every gallon British, and forfeiture of casks.

XII. *And it is hereby further enacted by the authority aforesaid, That in case any officer of the excise shall find any increase of foreign brandy, spirits or strong waters in the hands of any such dealer, over and above the quantity which such officer found in such dealer's custody at the time of such officer's last preceding survey upon such dealer, such increase shall be deemed and taken to be made by foreign brandy, spirits or strong waters,*

Increase of foreign brandy, &c. found by officer after former survey, to be deemed as brandy without permit, &c.

Such brandy,
&c. with cask,
forfeited.

waters, for which no duties were paid, and which had been privately brought by such dealer into the place where such increase shall be found, without any permit or certificate of the payment of the duty thereof, or any previous entry or notice to any officer of excise of bringing the same; and so much of the said foreign brandy, spirits or strong waters, as shall be found so increased, shall, together with the cask or other vessel wherein the same shall be so contained, be forfeited and lost; and shall and may be seized and secured by such officer and officers of excise who shall so find and discover the same, unless the owner thereof shall make it appear, that such increase was made either by mixing some of his stock of *British* spirits, whereof the officer of excise had taken an account, with his foreign brandy, spirits, or strong waters in the presence of the officer of excise of the division where the said increase shall be found, or by foreign brandy, spirits or strong waters brought into the place where such increase shall be found, with a permit or certificate of the payment of the duties thereof, or that the same had been formerly condemned, or was part of some person's stock in hand on the first day of *August* one thousand seven hundred and twenty, and that due notice was given to the officer of excise at the said division of the bringing in the same, before the same was so brought in.

Foreign brandy, tho' less than one gallon, without permit, &c. forfeited, with cask.

XIII. *And whereas many retailers of foreign brandy, spirits or strong waters are furnished with the brandy, spirits or strong waters which they retail by persons who run the same, or their accomplices, in small quantities, viz. less than one gallon at a time, and when the officers of the excise find such small quantities in the hands of such retailers, they refuse to produce any permit or certificate for the same, alledging, that no such permit or certificate are required by law for any quantity of such brandy, spirits or strong waters under the quantity of one gallon, whereby the runners thereof find means to dispose of great quantities of such run brandy, spirits or strong waters:* for remedy whereof, be it enacted by the authority aforesaid, That from and after the said twenty fifth day of *March* one thousand seven hundred and twenty two no foreign brandy, spirits or strong waters, although the same be under the quantity of one gallon, shall be received or taken into the custody or possession of any such retailer, or any person or persons for the use of any such retailer, without a permit or certificate signed by some officer of the customs or excise, signifying that the duties thereof were paid, or secured to be paid, or that the same had been condemned as forfeited, or was part of some person's stock in hand on the first day of *August* one thousand seven hundred and twenty, upon pain of forfeiting all such foreign brandy, spirits or strong waters, as shall be so found in the custody of such retailer or any other person or persons for the use of any such retailer, without a permit or certificate, together with the cask, bottle or other vessel wherein the same shall be so found; any law, statute or provision to the contrary thereof in any wise notwithstanding.

XIV. *And whereas by virtue of an act passed in the session of parliament holden in the seventh year of his Majesty's reign, obliging all such ships, persons and goods coming from places that are or shall be mentioned in his Majesty's proclamation, to perform quarentine, it is enacted, That in case any commander, master or other person taking charge of any ship liable to perform quarentine shall not, within convenient time, after due notice given for that purpose by the proper officer, cause such ship or vessel and the lading thereof, to perform quarentine respectively, then such ship or vessel is forfeited, and the commander, master or other person as aforesaid forfeits two hundred pounds: and whereas the commanders, masters or other persons taking charge of such ships or vessels do pretend, after they are put into the place or places to perform quarentine, to be bound to parts beyond seas, or some other port or place of this kingdom, and do frequently depart from such places without the licence of the proper officer appointed to see the quarentine duly performed, contrary to the true intent and meaning of the said act; for remedy whereof, be it enacted and declared by the authority aforesaid, That if the commander, master or other person taking charge of any ship or vessel liable to perform quarentine, shall depart with or permit or suffer such ship or vessel to depart from the place or places appointed for the performance of quarentine, without leave or licence of the proper officer or officers appointed to see the same performed, such ship or vessel, with her tackle, furniture and apparel, shall be forfeited to his Majesty, his heirs and successors, and the commander, master or other person as aforesaid shall also forfeit the sum of two hundred pounds; one moiety thereof to the use of his Majesty, his heirs and successors, and the other moiety thereof to the informer or prosecutor.*

7 Geo. 1. stat. 1. c. 3. EXP.

26 Geo. 2. c. 6.

Ships departing without licence from places appointed for quarentine forfeited,

and commanders, &c. to forfeit 200 l.

XV. *And whereas several persons guilty of the clandestine running of brandy or other customable and prohibited goods, or of receiving such goods, knowing the same to have been so run, do frequently remove from their usual places of abode into some other county, and are there called by other than their true names, to avoid their being prosecuted with effect for such their notorious offences; be it therefore further enacted by the authority aforesaid, That if any person or persons shall, after the said five and twentieth day of March one thousand seven hundred and twenty two, be guilty of any offence or offences contrary to the true intent and meaning of this or any other act of parliament made for the preventing clandestine running of brandy or other customable or prohibited goods, or of receiving such goods into his or their house, shop or warehouse, custody or possession, knowing the same to be so run, such person and persons shall and may be prosecuted for any of the offences or matters aforesaid, by action, bill, plaint or information, and thereupon a *Capias* in the first process, specifying the sum of the penalty sued for, shall and may issue; and such person or persons shall be obliged to give sufficient bail or security by natural-born subjects or denizens, to the person or persons to whom such *Capias* shall be directed, to appear in the court out of which such *Capias* shall issue at the day of return*

How persons running brandy, &c. removing from their abode, &c. may be prosecuted.

turn of such writ, to answer such suit and prosecution, and shall likewise, at the time of such appearing, give sufficient bail or security by such persons as aforesaid in the said court, to answer and pay all the forfeitures and penalties incurred for such offence or offences, in case he or they shall be convicted thereof, or to yield his or their body or bodies to prison.

§ Ann. c. 7.

§ Ann. c. 13.

XVI. *And whereas by two several acts passed in the eighth year of the reign of her late majesty Queen Anne, the one, intituled, An act for granting to her Majesty new duties of excise upon several imported commodities, and for other purposes therein mentioned; the other, intituled, An act for continuing several impositions, additional impositions and duties upon goods imported, to raise money by way of loan for the service of the year one thousand seven hundred and ten; and for taking off the oversea duty on coals exported in British bottoms; and for preventing frauds in drawbacks upon certificate goods, and other purposes therein mentioned, it is thereby respectively enacted, That if any sort of goods whatsoever, liable to the payment of duties, be unshipped with intention to be laid on land (customs and other duties not being first paid or secured) or if any prohibited goods whatsoever be imported into any part of Great Britain, or in case any tobacco or other foreign goods contained or specified in any certificate, whereupon any drawback is to be made, or whereupon any debenture is to be made forth for such drawback, shall, when shipped for exportation, be landed again in any part of Great Britain (except as therein is excepted) the vessels and boats, and all the horses and other cattle and carriages whatsoever, used in the landing, relanding, removing, carriage or other conveyance of the aforesaid goods, shall be forfeited and lost, and may be sued for, recovered and distributed in such manner as by the said act is provided and directed; which laws have not had the good effects thereby proposed, in regard that the keeping and maintaining the horses so seized, from the time of seizure to the time of condemnation in his Majesty's court of exchequer, is very chargeable, and for that the charge of condemning such vessels, boats and horses as aforesaid is very great, whereby officers are discouraged from making such seizures, and the smugglers encouraged in their illegal practices: be it therefore enacted by the authority aforesaid,*

Seizures of vessels, &c. of 15 tons or under, how to be proceeded upon.

That all seizures of vessels or boats of the burthen of fifteen tons, or under, which shall be made after the twenty fifth day of *March* one thousand seven hundred and twenty two, by virtue of the said acts, or either of them, or of any other act relating to the revenue of customs, for carrying or conveying uncustomed or prohibited goods from ships inward or for relanding certificate or debenture goods from ships outwards, and that all seizures of horses, or other cattle or carriages whatsoever, which shall be made after the twenty fifth day of *March* one thousand seven hundred and twenty two, for being used in the removing, carriage or conveyance of such goods, contrary to the said acts, or any of them, shall and may be examined into, proceeded upon, heard, adjudged and determined by and before two or more of his Majesty's justices of the peace residing near the place where

where such seizure shall be made, in such manner, and after such summons or publick notice given, as by an act passed in the sixth year of his present Majesty, intituled, *An act for preventing frauds and abuses in the publick revenues of excise, customs, stamp-duties, post-office and house-money,* 6 Geo. 1. c. 21. sect. 20. seizures of brandy, arrack, rum, spirits or strong waters (except as therein is excepted) may be examined into, proceeded upon, heard, adjudged and determined, before two or more of his Majesty's justices of the peace, and such their respective judgments shall be and are hereby declared to be taken and adjudged to be good, valid and effectual in the law, and final to all intents and purposes whatsoever, and not liable to any appeal, or any writ or writs of *Certiorari*; any law, statute or provision to the contrary notwithstanding.

XVII. Provided always, and be it enacted by the authority of the Justices of the peace of the cities of *London* and *Westminster*, shall have the like power and authority in the summoning, examining, proceeding, hearing, adjudging and determining such seizures, as are or shall be made within the cities of *London* or *Westminster* respectively, as any two justices of the peace of any other county or place have; any law or custom to the contrary notwithstanding. London, &c. to have like power as other justices.

XVIII. *And whereas foreign goods are frequently taken in at sea by masters of coasting vessels, who privately land the same, to the prejudice of the revenue, and the encouragement of the foul traders:* for the prevention whereof, be it further enacted by the authority of the Justices of the peace of the cities of *London* and *Westminster*, That if any goods brought or coming into any port within the kingdom of *Great Britain*, from any other port within the said kingdom, by coast cocquet, transire, let-pas or certificate, in any ship or vessel, shall, from and after the twenty-fifth day of *March* one thousand seven hundred and twenty two; be unshipped to be landed or put on shore, before such cocquet, transire, let-pas or certificate, shall be delivered to the customer or collector and comptroller of the port or place of her arrival, and warrant or sufferance made and given from such customer, collector and comptroller for the landing or discharging thereof, the master, purser, boatswain, or other mariner, taking charge of such ship or vessel, out of which the goods shall be landed or put on shore, knowing and consenting thereunto, shall forfeit the value of the goods so unshipped; and if any goods of foreign growth, production or manufacture, coming coastwise, as aforesaid, shall be landed without the presence of an officer of the customs, such foreign goods, or the value thereof, shall be forfeited and lost; any law, custom or usage to the contrary notwithstanding. Goods brought from one port into another in Great Britain, &c. unshipped before cocquet delivered to customer, &c. forfeited. Foreign goods landed without presence of officer, forfeited.

XIX. *And whereas by an act made in the sixth year of the reign of his present Majesty, intituled, An act for preventing of frauds and abuses on damaged wines, and for lengthening the time for the drawbacks on the expottation of wines, it is enacted, That in case any merchant or other person importing wines, shall find the same, or any part thereof so damaged, corrupt or unmerchantable, that he shall*

refuse to pay or secure the duties of such wines, and shall thereupon stave, spill or otherwise destroy the same, as by the said act he is allowed to do, in the manner therein mentioned, such merchant or other person, shall, as a compensation for the freight and other charges, have the sum of four pounds for every tun of wine, containing two hundred and fifty two gallons, of the growth of Germany, or wines which pay duties as such, and of the growth of France, so staved, spilt, or otherwise destroyed, and the sum of eight pounds per tun, for every tun of wine of the growth of Spain, Portugal, or elsewhere, and so in proportion for a greater or lesser quantity, to be paid in the manner thereby directed; which several and respective allowances were made with regard to the distances of the places from whence the said several sorts of wine are usually imported: and whereas since the making of the said act, great quantities of mean and corrupt wines have been imported from the isle of Man, the freight whereof was inconsiderable, and staved for the benefit of the above-mentioned allowances for freight and charges, contrary to the true intent and meaning of the said act, which fraudulent practice may not only, from the encouragement before-mentioned, be continued from the said island, but also be carried on by ill-disposed persons from Ireland, and the islands of Jersey and Guernsey, or other places and parts beyond the seas, to the lessening of his Majesty's revenues, and prejudice of fair traders: be it therefore enacted by the authority aforesaid, That no allowance shall be made by virtue of the said act for the freight or charges of any wine which shall be imported after the twenty fifth day of March one thousand seven hundred and twenty two, unless such wine be imported in casks on board such merchant ship or vessel, directly from the country or place of the growth of such wine, or the usual port or place of its first shipping; any thing in the said act to the contrary notwithstanding.

After 25
March 1722.
no allowances
for freight of
wine unless
imported di-
rectly from
the place of
its growth.

Allowances
for wine in
ships stranded.

XX. Provided always, and be it enacted by the authority aforesaid, That in case any ship or vessel having wines on board, shall by stress of weather, or any other accident be stranded, then and in such case, the wines on board the said ship or vessel which shall be saved, may be put on board any other ship, vessel or boat, and be carried to any of the lawful ports or places for landing of goods in this kingdom, and be intitled to the same allowances for such of them as shall be staved, spilt or destroyed, as if they came in the ship or vessel in which they were first loaded; any thing in this or any other act to the contrary notwithstanding.

6 Geo. 1. c. 21. XXI. *And whereas by an act passed in the sixth year of his Majesty's reign, intituled, An act for preventing frauds and abuses in the publick revenues of excise, customs, stamp-duties, post-office, and house-money, it is enacted, That every licence taken out for the importation of nutmegs, cloves, mace or cinnamon, in the manner therein directed, shall be delivered to the merchant demanding the same, to be produced and delivered up by the master, purser, or other person taking charge of the ship, to the collector and comptroller of the port at the time of entering the ship, which act is evaded for want*

Licence for
importation of
nutmegs, &c.
to be deliver-
ed to the col-
lector of the
port, where
the spices shall
be imported,
&c.

of penalty to enforce the same, contrary to the true intent and meaning thereof; be it thereof enacted by the authority aforesaid, That in case the master, purser, or other person taking charge of any ship, importing any of the said spices from any place or places beyond the seas, other than directly from the East-Indies, shall not deliver up such licence to the collector and comptroller of the port into which the said spices shall be imported, at the time of his or their entering the said ship, regularly indorsed, as in and by the said act is directed, and also annex such licence to the entry or report of the ship; and in case each cask of nutmegs, cloves, or mace so imported, shall not contain neat three hundred pound weight, and each bale of cinnamon neat seventy pound weight, as by the said act is directed; then and in any of the said cases, such nutmegs, cloves, mace or cinnamon shall be forfeited, and deemed to be imported without a licence, granted or to be granted by virtue of the said act, or any former law, and such spice shall and may be prosecuted, as also the ship importing the same, by any act or acts of parliament now in force relating to the customs, as if such spice had been imported without licence; any law, custom or usage to the contrary notwithstanding.

Penalty in case of deficiency in quantity of casks, &c.

XXII. *And whereas by the acts made in the twelfth and twenty-fifth years of the reign of his late majesty King Charles the Second, the former intituled, An act for the encouraging and increasing of shipping and navigation; and the latter intituled, An act for the encouragement of the Greenland and Eastland trade, and for the better securing the plantation-trade; and by one other act made in the third and fourth years of the reign of her late majesty Queen Anne, intituled, An act for granting to her Majesty a further subsidy on wines and merchandizes imported, certain commodities therein respectively enumerated, of the growth, production or manufacture, of any of the British plantations in America, Asia or Africa, are for the reasons therein mentioned, restrained to be imported into this kingdom, or to some other of the said plantations, under the securities and penalties in the said two first recited acts, or either of them, particularly mentioned; since the making of which laws, copper ore, (which is not in any of the said acts particularly enumerated) is produced in the said plantations, and carried to foreign markets in Europe, without being first brought into this kingdom, to the prejudice of the trade and the lessening the correspondence and relation between this kingdom and the aforesaid plantations; for prevention whereof for the future, be it enacted by the authority aforesaid, That from and after the twenty ninth day of September one thousand seven hundred and twenty two, all copper ore shall be, under the like securities and penalties, restrained to be imported into this kingdom, as by the fore-recited acts, or any of them, is provided for the goods therein particularly enumerated; any law, custom or usage to the contrary notwithstanding.*

12 Car. 2. c. 18. sect. 18.

25 Car. 2. c. 7.

7 & 4 Ann. c. 5. sect. 12.

Copper ore of the produce of British plantations, subjected to such regulations as other commodities, &c.

XXIII. *And be it further enacted by the authority aforesaid, That the several penalties and forfeitures in this act mentioned, shall and may be prosecuted and determined by bill, plaint or*

Penalty, how to be prosecuted, &c.

information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer at *Edinburgh* respectively, (except where it is in this act otherwise directed) wherein no *ex-joyn*, protection or wager of law shall be allowed; and one moiety of the said several penalties and forfeitures shall be to the use of his Majesty, his heirs and successors, and the other moiety to such person or persons as will sue for or prosecute the same.

Seizures, how
and by whom
to be made.

XXIV. And whereas doubts have arisen and been made of and concerning the seizing of such brandy, arrack, rum, spirits and strong waters, as well foreign as British, and also of such foreign exciseable liquor, as by act or acts relating thereto now in force, are in several and respective cases enacted and declared to be forfeited; now to clear all doubt and question therein, or relating thereto, be it enacted and declared by the authority aforesaid, That the liquors aforesaid, every or any them, which have been, are, is, or hereafter shall be forfeited by any act or acts of parliament now in force, or hereafter to be made, together with the casks, bottles, vessels, or other package containing the same, ought to be, and from time to time shall and may be seized by any officer or officers of the customs or excise respectively, or by such person or persons, who are or shall be deputed or authorized thereto, by warrant from the lord treasurer or under treasurer, or by special commission from his Majesty, under the great seal or privy seal, but by none other or others whatsoever.

Resisting offi-
cers, &c. for-
feits 40l.

XXV. And be it further enacted by the authority aforesaid, That if from and after the twenty fifth day of *March* one thousand seven hundred and twenty two, any person or persons whatsoever, shall assault, resist, oppose, molest, obstruct or hinder any officer or officers of the customs or excise, in the due seizing or securing any brandy, arrack, rum, spirits or strong waters, either foreign or *British*, or any foreign exciseable liquors, which by any officer or officers of customs or excise, shall or may be seized by virtue or in pursuance of this or any other act or acts now in force, or hereafter to be made, or shall by force or violence rescue, or shall cause or procure to be rescued, any brandy, arrack, rum, spirits or strong waters, *British* or foreign, or any foreign exciseable liquors, after the same shall have been seized by such officer or officers, as aforesaid, or shall attempt or endeavour so to do, or shall, at or after such seizure, stove, break, or otherwise destroy or damage any cask, vessel or bottle containing such brandy, arrack, rum, spirits, or strong waters, *British* or foreign, or such foreign exciseable liquor, the party or parties so offending shall for every such offence forfeit and lose the sum of forty pounds.

General issue.

XXVI. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, that the defendant or defendants in such action or suit, may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon, and that the same was done

done in pursuance and by the authority of the said act; and if it shall appear so to have been done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as the defendant or defendants hath or have in other cases by law. Treble costs.

XXVII. Provided always, and it is hereby further enacted by the authority aforesaid, That this present act shall continue and be in force for the space of two years, commencing from the twenty fifth day of *March* one thousand seven hundred and twenty two, and from thence to the end of the then next session of parliament, and no longer. This act to continue for two years after 25 March 1722, &c. Farther continued by 8 Geo. 2. c. 21. 15 Geo. 2. c. 33. & 20 Geo. 2. c. 47.

C A P. XIX.

An act for the better recovery of the penalties inflicted upon persons who destroy the game.

FOR rendering more effectual the laws now in being for the better preservation of the game, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That whosoever any person shall, for any offence to be hereafter committed against any law now in being for the better preservation of the game, be liable or subject to pay any pecuniary penalty or sum of money, upon conviction before any justice or justices of the peace, it shall and may be lawful for any other person whatsoever, either to proceed to recover the said penalty, by information and conviction before a justice or justices of the peace, in such manner as is in such law contained, or to sue for the same by action of debt, or on the case, bill, plaint or information, in any of his Majesty's courts of record, wherein no esoin, protection, wager of law, or more than one imparlance shall be allowed; and wherein the plaintiff, if he recovers, shall likewise have his double costs. Wherefoever any person shall hereafter be liable to any pecuniary penalty for offences committed against the laws for preservation of the game; any other person may recover the said penalty by information before a justice, or sue for the same, &c.

II. Provided, That all suits and actions to be brought by force of this act, shall be brought before the end of the next term after the offence committed; and that no offender against any of the laws now in being for the better preservation of the game, shall be prosecuted for the same offence, both by the way prescribed by this law, and by the way prescribed by any of the said former laws; and that in case of any second prosecution, the person so doubly prosecuted, may plead in his defence the former prosecution pending, or the conviction or judgment thereupon had. Actions to be brought before the end of the term after the offence committed. No offender to be twice prosecuted for the same offence.

C A P. XX.

An act for paying off and cancelling one million of exchequer-bills, and to give ease to the South-Sea company, in respect of its present obligation, to circulate or contribute towards circulating exchequer-bills; and to give further time to that company for repayment of one million which was lent to them; and for issuing a further sum in new exchequer-bills, towards his Majesty's supply, to be discharged and cancelled, when the said company shall repay the million owing by them; and that the exchequer-bills, which are to continue, may be circulated at easy and moderate rates; and for appropriating the supplies granted to his Majesty in this session of parliament; and for relief of the sufferers at Nevis and Saint Christophers, by an invasion of the French in the late war; and for laying a further duty on apples imported; and for ascertaining the duties on pictures imported.

MOST gracious Sovereign, Whereas amongst divers matters and things contained in an act of parliament, made and passed in the sixth year of your Majesty's reign, intituled, An act for enabling the South-Sea company to increase their present capital stock and fund, by redeeming such publick debts and incumbrances as are therein mentioned; and for raising money to be applied for lessening several of the publick debts and incumbrances; and for calling in the present exchequer-bills remaining uncanceled; and for making forth new bills in lieu thereof, to be circulated and exchanged upon demand at or near the exchequer, it was recited or mentioned, That after the application of such monies as are therein specified, the principal monies to remain due upon bills, commonly called exchequer-bills, made forth by virtue of former acts of parliament in that behalf, and would then be in or out of the exchequer uncanceled and undischarged, would by estimation amount unto eight hundred ninety six thousand six hundred sixty two pounds ten shillings or thereabouts, besides interest on them or some of them; and it was thereby enacted, That the said residuary bills should be brought in to be changed for new bills, upon such notice, and in such manner, as was thereby prescribed; and that the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, should cause new bills to be prepared and made forth at the receipt of the exchequer, for any sum or sums of money, whereof the principal should not exceed the said eight hundred ninety six thousand six hundred sixty two pounds ten shillings, adding thereunto the interest monies which should appear to be due thereupon; and that such new bills shall bear an interest not exceeding the rate of two pence per centum per diem; and it was thereby enacted, That the said company, or their court of directors in their behalf, should, from time to time, during the term of seven years, to be reckoned from the feast of the nativity

nativity of Saint John Baptist one thousand seven hundred and twenty, furnish, supply and pay to trustees to be chosen or constituted, as is therein mentioned, so much ready money, in the lawful coins of this realm, as should be sufficient to enable such trustees to exchange all such of the said bills to be made forth by virtue of that act, as should be demanded at the publick office of the said trustees, at any time or times within the said term of seven years, by paying (in such ready money) upon every such demand, all the principal monies contained in every such bill, and the interest which should then be due thereupon, and so toties quoties, as often as any such bill should be demanded; and in case, during that or any future session or sessions of parliament, any other act or acts of parliament was or should be made for making forth any further sum or sums in exchequer-bills, to be circulated by trustees at or near the exchequer, and to be current at any time or times, within or during the said term of seven years, or for any part of the same term, at the exchequer, and in the publick revenues and taxes, upon credit of such fund or security, or of such monies to be borrowed thereupon, as by authority of parliament should be established or appointed, to support the currency thereof, then the said company were thereby enjoined and required by themselves, or their court of directors for the time being (from time to time, during the said term of seven years, or for so much of that term as the exchequer-bills, to be made forth by such other or future act or acts of parliament, should have a joint currency with the said bills to be made forth by virtue of the act in part before recited, or be current together or at the same time) to furnish, supply and pay to such trustees in 6 Geo. 1. c. 44
lawful coins of this realm, a proportional part of such ready money, as should be sufficient to enable the same trustees to exchange all or any of the bills which should be so current, whether they were bills made forth by virtue of the act in part before recited, or any other act or acts of that or any future session of parliament, as often as any such bills shall be demanded within the said term of seven years, by paying all the principal monies contained in such bill, and the interest which 6 Geo. 1. c. 106
should upon every such demand be due thereupon, and so toties quoties, as often as the same should be demanded; and that such proportional parts should, from time to time, be ascertained and determined in the manner thereby prescribed (that is to say) as the sum total of the principal monies contained in all the said bills then uncanceled and undischarged, should be to ten hundred thousand pounds, so the whole sum, which at any time or times during the said term should be necessary and called for to support the currency of all the said bills, should be to the proportional part to be furnished by the said company toward supporting such currency: and it was thereby provided and enacted, That if at any time or times thereafter, provision should be made by authority of parliament, of so much money in the lawful coins of this kingdom, as should be sufficient to pay off and discharge all the principal and interest which should be due on the said exchequer-bills, to be made forth by virtue of that act as aforesaid, or any proportion thereof at a time; and if by like authority the same coined monies should be actually brought and paid into the receipt of the exchequer for that purpose, then the same should be applied for or towards the paying off
and

and discharging the same bills, or such proportion thereof, so far as such money would extend, by paying to the respective bearer or bearers of the same bill or bills then standing out, the principal and interest which should be due thereupon, and placing such coined money, or any part thereof, in lieu of any the said exchequer-bills which should be made forth by virtue of that act, and should then be in the office or offices of any teller or tellers of the exchequer, to answer such payments whereunto the same bills so remaining in such office or offices should then be legally subject or liable, and that such payments should be answered under such penalties, forfeitures and disabilities as were prescribed by any former law or statute concerning the money for which such bills did lie in the exchequer, to prevent the diverting or misapplying the same; and from and after such payments to the bearer or bearers, or such placing of money in lieu of bills in the said office or offices of the said teller or tellers, to answer such payments as aforesaid, (and not sooner) the several and respective bills themselves, which should be so paid off, or for which coined money should be so placed, should be cancelled, and the said company should repay to the respective tellers, so much interest as remained due on the same bills respectively, at the time or times when they were last paid into the exchequer, before the cancelling thereof, as by the said act in part before recited, relation being thereunto had, may more fully appear: and whereas in and by another act of parliament made and passed in the said sixth year of your Majesty's reign, intituled, An act for making forth new exchequer-bills, not exceeding one million, at a certain interest; and for lending the same to the South-Sea company at an higher interest, upon security of repaying the same, and such high interest, into the exchequer, for uses to which the fund for lessening the publick debts (called the sinking fund) is applicable; and for circulating and exchanging upon demand the said bills at or near the exchequer, the commissioners of your Majesty's treasury, or any three or more of them, or the high treasurer for the time being, were authorized, at any time or times within one year, reckoning from the tenth day of May one thousand seven hundred and twenty, and from thence to the end of the then next session of parliament, to prepare and make, or cause to be prepared or made, at the said receipt of the exchequer, in such method and form as they shall think most convenient, any number of new exchequer-bills, so as the principal sums to be contained therein, should not in the whole exceed one million of pounds (over and above the exchequer-bills which were to be current, pursuant to the act first before recited) and that the said new bills so to be prepared and made, should bear an interest not exceeding the rate of two pence per centum per diem, and to be payable to the bearers thereof respectively; nevertheless such interest is thereby enacted to be abated and saved upon such of the said bills, as should at any time or times be in the receipt of the exchequer, or in the hands or power of any receiver or collector of any taxes, aids or revenues whatsoever, payable to your Majesty, your heirs or successors, during such time or times respectively, as such bills should be or remain in the said receipt, or in such hands or power as aforesaid; and the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being,

6 Geo. 1. c. 10.

6 Geo. 1. c. 4.

ing, were thereby impowered to issue, or cause to be issued, by way of loan or advance, all such bills as should be prepared by virtue of that act, not exceeding as aforesaid, to the said South-Sea company, or to some person or persons in trust for them, the same company giving security upon their then present and to be increased annuity or yearly fund, and upon their weekly or other payments to be made at the exchequer, for or upon account of their said annuity or yearly fund, for repayment of the principal sums so lent, with an interest not exceeding the rate of five pounds per centum per annum, at such day or days, time or times, as should be agreed upon by and between the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, on behalf of the publick, and the said company, or their court of directors on their behalf, so as no such day or time should be more remote than the first day of March one thousand seven hundred and twenty one, or the end of the then next session of parliament; and the said commissioners of the treasury, and the high treasurer for the time being, were thereby directed and required to take especial care, that upon repayment of the principal money so to be lent, the same, with the interest or increase accruing thereupon, should be received and applied, in the first place, to the paying off and discharging the said new exchequer-bills to be made forth in pursuance of that act; and that the surplus thereof (after paying off and discharging the same new exchequer-bills) should be placed at the said receipt of the exchequer, to and for the same uses, intents and purposes, to which the monies of the surplusses, excesses and overplus monies, commonly called the sinking fund, were applicable; and in default of paying the said monies so to be lent, with the said interest or increase thereof, at the day or days, time or times, to be limited pursuant to that act, then the said commissioners of the treasury, or any three or more of them, or the said high treasurer for the time being, were thereby authorized and required to cause the money so lent, to be stopp'd out of the monies, which weekly or otherwise shall be payable to the said South-Sea company at the exchequer, for or upon their then present or to be increased annuity or yearly fund, together with so much more as the interest of the money so unpaid should amount unto at the said rate, not exceeding five pounds per centum per annum, and to cause the principal and interest so stopp'd, to be applied and placed in the exchequer as aforesaid; and to the end the said bills should be made forth by virtue of the act last mentioned, might the better obtain a currency for so long time as they were intended to be current, in pursuance of that act; it was thereby enacted, That as well the sum of three hundred twenty eight thousand six hundred seventy three pounds four shillings and ten pence half-penny, then remaining in the exchequer, which was advanced by the said company, pursuant to an act of the fifth year of your Majesty's reign, and the monies which (from and after the ap-^{5 Geo. 1. c. 1} plication of the sum of five hundred and twenty thousand pounds, for discharging and cancelling exchequer-bills made forth by former acts in that behalf, or reserving sufficient thereof in the exchequer for that purpose) should arise of or for the said surplusses, excesses and overplusses, commonly called the sinking fund, should be a fund or security for fur-

6 Geo. 1. c. 4.
s. 10.

furnishing such proportions of ready money, from time to time, as are therein mentioned, for and towards exchanging and circulating the exchequer-bills to be made forth by virtue of that and the said other act of that session of parliament, or either of them, as often as the same bills or any of them should be demanded, during their joint currency; and it was thereby further enacted, That the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, should (so long as the said exchequer-bills to be made forth by virtue of that act, should have a joint currency with the said bills, to be made forth by virtue of the said first recited act, or be current together or at the same time) furnish, supply and pay, to the said trustees for the time being, out of the monies, from time to time, being in the receipt of the exchequer, of the fund or security before in that act settled for that purpose, in the lawful coins of this realm, on behalf of the publick, a proportional part of such ready money, as shall be necessary to enable the said trustees to exchange all or any of the bills which should be so current (whether they be bills made forth by virtue of that or the said other act of the same session of parliament) as often as any such bill should be demanded, or within twenty four hours after, by paying all the principal monies contained in every such bill, and the interest, which shall, upon every such demand, be due thereupon, and so toties quoties, as often as the same shall be demanded; which proportional part so, from time to time, to be furnished on behalf of the publick, shall be so much as, together with the proportional part, which, from time to time, should or ought to be furnished by the said company as aforesaid, should be sufficient to enable the trustees to support the currency of the said bills from time to time; and in the act last mentioned there is inserted a proviso, That if at any time or times hereafter provision should be made by authority of parliament, of so much money in the lawful coin of this kingdom, as should be sufficient to pay off and discharge all the principal and interest, which should be due upon the said exchequer-bills to be made forth by virtue of that act, or any proportion thereof at a time; and if by like authority the same monies should be actually brought and paid into the receipt of the exchequer for that purpose, then the same should be applied for or towards paying off the same bills, or such proportion thereof, so far as such money would extend, by paying to the respective bearer or bearers of the same bills then standing out, the principal and interest which should be due thereupon, and by placing such coined money, or any part thereof, in lieu of any of the same exchequer-bills, which should then be in the office or offices of any teller or tellers of the exchequer, to answer such payments whereunto the same bills so remaining in such office or offices, should then be legally subject and liable; which payments should be answered with the said money in specie, under such penalties, forfeitures and disabilities, as are prescribed by any former laws or statutes concerning the money for which such bills did lie in the exchequer, to prevent the diverting or misapplying the same; and from and after such payments to the bearer or bearers, or such placing of money in lieu of bills in the said office or offices of the said teller or tellers, to answer such payments as aforesaid, and not sooner, the severall and respective bills themselves, which shall be so paid

paid off, or for which coined money shall be so placed, should be cancelled; and it is thereby also provided and enacted, That if before the first day of March one thousand seven hundred and twenty one, or before the end of the session of parliament then next ensuing, coined monies shall not be raised and brought into the receipt of the exchequer, sufficient to pay off and discharge all the exchequer-bills which should be made forth by virtue of that act, that then and in such case, immediately upon the end of such session of parliament next after the said first day of March one thousand seven hundred and twenty one, all or any of the monies then remaining in the receipt of the exchequer, of the said sum of three hundred twenty eight thousand six hundred seventy three pounds four shillings and ten pence half-penny (if the same, or any part thereof, shall then remain there not issued to the purposes in the last mentioned act directed) and all the monies which, from and after the end of the said session of parliament next after the said first day of March one thousand seven hundred and twenty one, should quarterly arise into the exchequer of or for all the said surplusses, excesses and overplusses, denominated the sinking fund, as aforesaid, or of or for such increase thereof, as shall be made by repaying the money which should be lent to the said company as aforesaid, with interest, and all or any the monies (if any should be then remaining in the receipt of the exchequer) of the loans which might have been made there by virtue of that act, for answering the said proportions for circulating and exchanging the said bills, or so much of the monies aforesaid, as should be sufficient to discharge or compleat the discharging of all the exchequer-bills, which shall have been made forth by virtue of that act, shall be applied for and towards discharging and cancelling the same, until they should all be paid off, discharged and cancelled, or so much of the said monies should be reserved in the exchequer, as should be sufficient for that purpose, as by the act last in part recited, relation being thereunto had, also may more fully appear: and whereas, pursuant to the act last mentioned, the said exchequer-bills, amounting to one million, were on the seventh day of June one thousand seven hundred and twenty, issued by way of loan or advance to the said South-Sea company upon a security under their common seal, by an instrument or writing bearing date the fourth day of June one thousand seven hundred and twenty, for repayment of the same in good and lawful money of Great Britain, into the exchequer, at the end of one year, which was to be reckoned from the time of issuing the said bills, with interest after the rate of four pounds per centum per annum: and whereas among many matters and things contained in another act of parliament made and passed in the seventh year of your Majesty's reign, intituled, An act to enable the South-Sea company to ^{7Geo. 1. stat. 1.} ingraft part of their capital stock and fund into the stock and fund of the bank of England, and another part thereof into the stock and fund of the East-India company; and for giving further time for payments to be made by the said South-Sea company for the use of the publick, it was provided, enacted and declared, That the said South-Sea company, at their own costs and charges, on or before the seventh day of June which should be in the year of our Lord one thousand seven hundred and twenty two, should well and truly ^{C. 5.} pay,

pay, or cause to be repaid, into the said receipt of the exchequer, the said sum of one million, together with the interest then due for the same, and that upon such repayment the monies so repaid, with the interest or increase accruing thereupon, should be applied in the first place, to the paying off and discharging the said exchequer-bills, amounting to one million, with such interest as should be due thereupon; and in default of repaying the said sum of one million, with interest and increase thereof, according to the last mentioned act, then the annuity and annuities, which should be then payable at the receipt of exchequer to the South-Sea company, should and might be stopp'd by the commissioners of the treasury, or any three or more of them, or by the high treasurer for the time being, or by the officers of the exchequer for the time being, and the said exchequer-bills, amounting to one million, should and might be called in and cancelled, by and with the monies so stopp'd in the manner prescribed by the said former act in that behalf; and in the act last in part recited there is contained a proviso, That if at any time or times thereafter, provision shall be made by authority of parliament, of the lawful coins of this realm placed in the exchequer, for paying off and discharging the said exchequer-bills for the said sum of one million, the bills themselves that should be so paid off, or for which such coined money should be reserved in the exchequer as is prescribed in that act, should be discharged therewith, and cancelled, as is thereby directed; and if before the said first day of March one thousand seven hundred and twenty one, or before the end of the session of parliament then next ensuing, coined money shall not be raised and brought into the exchequer for discharging the bills last mentioned, then all or any of the monies which should then remain in the exchequer, of the said sum of three hundred twenty eight thousand six hundred seventy three pounds four shillings and ten pence half-penny (if any such be) and all the monies which from and after such session of parliament should quarterly arise of or for the said surplusses and overplus monies, called the sinking fund or otherwise, as is mentioned in the act last in part recited, should be applied for or towards discharging the said exchequer-bills, amounting to one million, till they shall be all compleatly paid off and cancelled in the manner and form in the same act prescribed and intended, as by the same act, relation being thereunto likewise had, may more fully appear: now we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being desirous that the said exchequer-bills, amounting to one million, which were created to be lent to the said company, and were lent accordingly, may soon be paid off and cancelled, and being willing to give ease to the said company, in respect to their present obligation for circulating or contributing towards the circulation of exchequer-bills, and further time for repayment of the principal sum of one million, which was lent to the said company as aforesaid, they paying such interest for the same as is herein after mentioned; and that a number of new exchequer-bills, not exceeding one million, may be made forth and issued towards the supply granted to your Majesty in this session of parliament, and that the million to be repaid by the said company on or before the time herein after li-

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mitted for the repayment thereof, may be applied to cancel and discharge the said new exchequer-bills to be made forth by virtue of this act, and that all the exchequer-bills made forth or to be made forth, which are to continue, may be circulated at easy and moderate rates, do therefore most humbly pray your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by authority of the same, That so much money as at the feast of the annunciation of the blessed Virgin *Mary* one thousand seven hundred and twenty two, shall be or remain in the receipt of the exchequer, as well of or for the said sum of three hundred twenty eight thousand six hundred seventy three pounds four shillings and ten pence half-penny as of or for the said surplusses, excesses and overplus monies commonly called the sinking fund, or so much thereof as will not exceed the sum sufficient to pay off and discharge the said exchequer-bills, amounting to one million, which were created to be lent, and were lent to the *South-Sea* company as aforesaid, shall be applied for or towards discharging and cancelling the same; and if at the said feast of the annunciation of the blessed Virgin *Mary* one thousand seven hundred and twenty two, the money by this act so appointed to discharge the said exchequer-bills which were created to be lent as aforesaid, shall not be sufficient for that purpose, then so much of the money afterwards to arise into the exchequer, of or for the said surplusses, excesses and overplusses, called the sinking fund, as together with the said monies which shall have been applied, pursuant to this act, towards discharging the same bills shall be sufficient to discharge and cancel the same, shall and may be applied to compleat and finish the paying off, discharging and cancelling the same exchequer-bills; any former or other law or statute to the contrary notwithstanding.

II. And it is hereby enacted, That so much of the said money, which according to this act ought to be applied to discharge such of the said bills so to be paid off, as shall be in the office or offices of any teller or tellers of the exchequer as cash, shall, by order of the commissioners of the treasury, or any three or more of them, or of the high treasurer for the time being, be placed in the exchequer instead of such bills, upon the respective account or accounts of such teller or tellers; and that the said commissioners of his Majesty's treasury, or any three or more of them, or the high treasurer for the time being, as soon as conveniently may be, shall, by publick notice in writing to be affixed upon the *Royal Exchange* in *London*, and published in the *London Gazette*, prefix a certain day, by or before which all such of the said bills, which were lent to the said company as aforesaid, (not being in the exchequer) shall be brought in and delivered to such person or persons as the said commissioners of the treasury, or any three of them, or the high treasurer for the time being, shall appoint to receive the same at or near the said

Money remaining in the exchequer on 25 March 1722, &c. not exceeding the sum sufficient to pay exchequer-bills lent, &c. applied towards discharging the same.

If not sufficient, then so much as shall afterwards arise to be applied to cancelling them.

Money applicable to discharge bills to be paid off, in the office of teller, &c. to be placed upon his account.

exchequer, to be paid off, discharged and cancelled accordingly; and that all such of the said bills for the said sum of one million, which was lent as aforesaid, as shall not be brought in upon such notice to be paid off, discharged and cancelled as aforesaid, within the time or times therein to be signified, shall lose their currency, and no interest shall grow due thereupon, after the said feast of the annunciation of the blessed Virgin *Mary* one thousand seven hundred and twenty two.

Upon proof, &c. that such bills were lost or destroyed, before 5 Feb. 1721, treasury to cause the money due, to be paid, &c.

III. Provided always, That in case proof shall be made upon oath of one or more credible witnesses, before the lord chief baron, and other the barons of the coif of his Majesty's court of exchequer, or any of them, That any of the bills for the said sum of one million, which was lent to the said company as aforesaid, were by casualty or mischance, lost, burnt or otherwise destroyed, before the fifth day of *February* one thousand seven hundred and twenty one, and if by the party's oath the numbers and sums of such bill or bills shall be ascertained, and if thereupon the said chief baron, and other the said barons, or any of them, before whom such proof was made, shall certify that he or they are satisfied in such proof, that then and in every such case, the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, are hereby authorized to cause the money due upon such bill or bills so lost, burnt or destroyed, to be satisfied as aforesaid, as if the original bill or bills were brought in to be cancelled, provided the person or persons so receiving the money, do give security to the King, to the good liking of the person or persons who shall be appointed as aforesaid, to take in the said bills, to pay into the exchequer for the use of the publick, so much money as shall be paid upon such certificate or certificates, if the bill or bills so certified to be lost, burnt or destroyed, be hereafter produced.

Persons receiving the money to give security, &c.

Interest at 4 l. per cent. of one million payable into the exchequer;

and a proportional part for circulating exchequer bills, &c.

IV. And it is hereby enacted, That the said *South-Sea* company, at their own costs and charges, shall pay off, discharge and satisfy, or furnish money into the exchequer, to pay off, discharge and satisfy all the interest monies, after the rate of four pounds *per centum per annum*, which at the said feast of the annunciation of the blessed Virgin *Mary* one thousand seven hundred and twenty two shall be due for the principal sum of one million, which was lent to them as aforesaid, and shall also at their own costs and charges pay into the receipt of the exchequer so much money as, by or in pursuance of the said acts of the sixth and seventh years of his Majesty's reign, they are or shall be obliged to pay or bear for their proportional part of interest, or for any other payments or charges of or for circulating and exchanging exchequer-bills, during the joint currency thereof, which proportional part to be born by the said *South-Sea* company, shall be deemed and taken to be ten nineteenth parts of the whole, and the same proportional part shall be adjusted and paid as aforesaid, at the said feast of the annunciation of the blessed Virgin *Mary* one thousand seven hundred and twenty two, for

for so much as shall be due thereupon, and afterwards, from time to time, during the said joint currency; any former law or statute to the contrary notwithstanding.

V. And be it further enacted by the authority aforesaid, That after the paying off all the said exchequer-bills which were created to be lent to the said company as aforesaid, and discharging and cancelling the same out of the surplus and other monies before mentioned, or reserving sufficient thereof to clear so much as shall remain unsatisfied at the time prefixed by such notice as aforesaid, and after the million of exchequer-bills, intended to be created by this act, shall be created, and a contract or contracts shall be made for circulating and exchanging the same million of exchequer-bills, and the remaining exchequer-bills that shall be then current, then from and after such time or times the said *South-Sea* company, and their successors, shall or may, by any instrument or instruments in writing, to be signed by the commissioners of the treasury, or any three or more of them, or by the high treasurer for the time being, and registred in the office of the auditor of the receipt of the exchequer for the time being, be for ever acquitted and discharged of, from and against the obligation of circulating or exchanging, or contributing towards the circulating or exchanging of any exchequer-bills, pursuant to the said acts of the sixth and seventh years of his Majesty's reign, or any of them; the same acts, or either of them, or any thing therein contained to the contrary notwithstanding.

After paying off and cancelling exchequer-bills, &c. the company discharged from circulating such bills.

VI. And as to the principal sum of one million, which was borrowed by the said *South-Sea* company as aforesaid, and for repayment whereof they were allowed time so as the same should be discharged on or before the seventh day of June one thousand seven hundred and twenty two as aforesaid; it is hereby provided, declared and enacted by the authority aforesaid, That in case that sum be not repaid into the exchequer, on or before the seventh day of June one thousand seven hundred and twenty two, the said company shall be allowed further time for repaying into the exchequer the sum of one million, on or before the seventh day of June which shall be in the year of our Lord one thousand seven hundred and twenty three, they paying an interest for the same, after the rate of five pounds *per centum per annum*, by equal quarterly payments, from the said feast of the annunciation of the blessed Virgin *Mary* one thousand seven hundred and twenty two, until their paying off the principal.

Further time allowed for repayment of one million, &c.

paying interest at 5l. per cent. after 25 March 1722.

VII. And it is hereby provided, enacted and declared by the authority aforesaid, That in case the said sum amounting to one million, shall not be actually repaid as aforesaid, into the exchequer, on or before the said seventh day of June one thousand seven hundred and twenty two, according to the said former act, then the said *South-Sea* company, and their successors, at their own costs and charges, on or before the said seventh day of June one thousand seven hundred and twenty three, shall well and truly repay, or cause to be repaid, into the exchequer the said sum

The million not repaid on 7 June 1722. shall be repaid on 7 June 1723.

sum of one million, for the purposes in this act expressed concerning the said principal sum of one million.

Interest, &c.
to be paid
quarterly till
repayment of
principal.

VIII. And be it further enacted by the authority aforesaid; That the said *South-Sea* company, or their successors, shall well and truly pay, or cause to be paid into the receipt of exchequer, so much as the interest of the said million lent to them shall amount unto, from the said feast of the annunciation of the blessed Virgin *Mary* one thousand seven hundred and twenty two, after the rate of five pounds *per centum per annum*, until the actual repayment of the principal; the said interest after the rate of five pounds *per centum per annum*, to be paid quarterly at the four most usual feasts in the year, by equal portions, for such uses and purposes as are herein after appointed touching or concerning the same interest; and in default of such repayment of the principal sum of one million, or in the payment of such interest for the same as aforesaid, according to this act, then the annuity or annuities belonging to the *South-Sea* company, and payable at the receipt of the exchequer, shall and may be stopped by the commissioners of the treasury, or any three or more of them, or by the high treasurer for the time being, or by the officers of the exchequer for the time being, and the money so stopped shall and may be applied in such manner, as hereafter in and by this act is directed in that behalf.

In default of
repayment of
principal and
interest, an-
nuities pay-
able at ex-
chequer, to be
stopt.

In one year
after 25 March
1722. new ex-
chequer-bills
for one mil-
lion, &c. may
be made out.

IX. And to the end a certain sum of money, not exceeding one million of pounds *sterling*, may effectually be raised towards answering the supply granted to his Majesty in this session of parliament; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, and they respectively are hereby authorized and impowered, at any time or times within one year, to be reckoned from the said feast of the annunciation of the blessed Virgin *Mary* one thousand seven hundred and twenty two, by such proportions at a time, as they respectively shall find to be most for the advantage of the publick, to prepare and make, or cause to be prepared and made, at the said receipt of the exchequer, in such method and form as they shall think most convenient, any number of new exchequer-bills, so as all the principal sums to be contained in the bills so to be made by virtue of this act, do not in the whole exceed one million of pounds (over and above the exchequer-bills made forth by former acts, which shall remain undischarged;) and that the said new bills so to be prepared and made in pursuance of this act, shall bear an interest not exceeding the rate of two pence *per centum per diem*, and proportionably for any greater or lesser sum to be contained therein, and to be payable to the bearers thereof respectively; nevertheless the said interest shall be abated and saved upon such of the said bills to be made forth by this act, as shall at any time or times be in the receipt of the exchequer, or in the hands or power of any receivers or collectors of any taxes, acts or reve-

Interest at 2 d.
per centum
per diem.

Upon what
bills interest
shall be abated.

nues whatsoever payable to his Majesty, his heirs or successors, during such time and times respectively, as such bills shall be or remain in the said receipt, or in such hands or power as aforesaid; and the said commissioners of the treasury, or any three or more of them, and the said high treasurer for the time being, are hereby respectively authorized and impowered to cause such new bills as shall be prepared by virtue of this act, to be placed as so much cash in the respective offices of the tellers at the said receipt of exchequer, each and every of which tellers shall be severally charged with the proportions of the said bills which shall be so placed in his office respectively.

Treasury to cause new bills, &c. to be placed as cash in the office of the teller, &c.

X. And to the end the said bills, which shall be made forth by virtue of this act, and the bills made forth by the said former acts, which shall from time to time remain undischarged, may the better obtain a currency for such respective time or times, as they are intended to be current according to this act; be it further enacted by the authority aforesaid, That the monies, which shall from time to time arise of or for the said surplusses, excesses and overplusses, commonly called the sinking fund, shall be and are hereby declared and enacted to be a fund or security (over and above the interest monies, after the rate of five pounds *per centum per annum*, to be answered by the *South-Sea* company, as is herein after mentioned) for furnishing such monies as shall be necessary to be furnished at such certain rates, as are herein after expressed, or otherwise, for or towards exchanging and circulating the same, or any of them, according to the purport and true meaning of this act; any former law or statute to the contrary notwithstanding.

Sinking fund to be a security for furnishing monies for exchanging and circulating bills, &c.

XI. And be it further enacted by the authority aforesaid, That as well all and every the said exchequer-bills to be made forth by virtue of this act, until the discharging and cancelling the same, pursuant to the proviso herein after contained in that behalf, as also all and every of the exchequer-bills made forth by virtue of any former act or acts of parliament, and remaining from time to time undischarged, until the discharging or cancelling the same, shall and may jointly or severally be received and taken by, and shall pass and be current to all and every the receivers and collectors in *Great Britain*, of the customs, excise, or any revenue, supply, aid or tax whatsoever already granted, due or payable, or which shall or may be hereafter granted, due or payable to his Majesty, his heirs or successors, and also at the receipt of the exchequer, from the said receivers or collectors, or from any other person or persons, bodies politick or corporate whatsoever, making any payments or loans there to his Majesty, his heirs or successors, for or upon any account, cause or occasion whatsoever, according to the purport and true meaning of this act; and that such of the same bills, as shall be received at the exchequer, shall and may be locked up and secured as cash, according to the course of the exchequer, settled and established by law, for locking up and securing money in specie received there; and that all and every the receivers and collectors

Bills made forth, and remaining undischarged, to be taken by receivers, &c. as current, till discharged.

And secured as cash in the exchequer.

Receivers to pay monies (if

required) for such bills.

tors in *Great Britain*, of the customs, excise, or any revenue, aid, tax or supply whatsoever already granted, due or payable, or which shall or may hereafter be granted, due or payable to his Majesty, his heirs or successors, shall, and they are hereby directed and required, out of any current coined money as shall then be in his or their hands, of such revenue, aid, tax or supply, to pay such of the same bills as shall be brought to them respectively, by any person or persons desiring to have money for the same; and in case any such receiver or collector shall refuse or neglect to exchange such bill or bills for ready money, by the space of twenty four hours, then the person or persons demanding the same, shall or may bring an action of debt, or on the case, for the principal and interest-monies due upon such bill or bills, against such receiver or collector, having money in his hands as aforesaid, in which action the plaintiff shall or may declare that such receiver or collector is indebted to such plaintiff in the money demanded upon every such bill, according to the form of the statute, and hath not paid the same, which shall be sufficient; and the plaintiff in every such action shall recover against the receiver or collector, not only the monies so refused or neglected to be paid, but also his full costs of suit, and such receiver or collector shall be subject and liable thereunto, and in such action no essoin, protection, privilege or wager of law shall be allowed, or more than one imparlance; and upon payment of the monies so to be recovered, the plaintiff, his executors or assigns, shall deliver up such bills to the defendant, his executors or assigns.

On refusal plaintiff may recover, with full costs of suit.

Upon payment or loan of bills into the exchequer, tallies to be delivered, &c.

XII. And be it further enacted, That as any of the said bills shall, at any time or times hereafter, within the respective times during which they shall be jointly or severally current, pursuant to this or any former act, be paid or lent into the exchequer by any of his Majesty's receivers, or other person or persons, bodies politick or corporate, making any payments or loans at that receipt, the officers there shall cause tallies to be levied and delivered to the payers or lenders, as amply and effectually to all intents and purposes, as if they had made such payments or loans in specie.

Interest to be allowed, till payment, &c.

XIII. And be it enacted by the authority aforesaid, That the interest which shall from time to time be due upon any of the bills so to be current, as aforesaid, shall be allowed to all persons, bodies politick or corporate, paying the same to any receiver or collector receivers or collectors of any his Majesty's revenues, aids, taxes or supplies, or by way of exchange as aforesaid, or paying or lending the same into the exchequer as aforesaid, to the respective days whereupon such bill or bills shall be so paid, exchanged or lent; provided always, That no interest shall run or be paid upon or for any such bill or bills, during the time that any such bill or bills so paid, exchanged or lent, shall remain in the hands of any the said receivers or collectors, or in the hands of any teller or tellers of the exchequer, but for such time the interest on every such bill shall cease.

When to cease.

XIV. And

XIV. *And to the end it may be known for what time such bills bearing interest, shall from time to time remain in the hands of such receivers or collectors, or in the exchequer aforesaid; be it further enacted by the authority aforesaid, That the person or persons who shall pay any such bill or bills bearing interest, to any receiver or collector of any of his Majesty's revenues, aids, taxes or supplies, by way of exchange, or otherwise, or shall pay or lead such bill or bills so bearing interest, into the exchequer as aforesaid, shall at the time of making such payment, exchange or loan, on each bill bearing interest, and so paid, exchanged or lent, put his or their name or names, and write thereupon in words at length, the day of the month and year, in which he, she or they so paid, lent or exchanged such bill or bills bearing interest, all which the said receivers and collectors respectively, and also the respective tellers in the exchequer, shall take care to see done and performed accordingly, to which respective days the said receivers and collectors shall be allowed again the interest which he, she or they shall have allowed or paid upon such respective bill or bills, upon his or their paying the same into the receipt of exchequer as aforesaid.*

Lenders, &c.
to subscribe
their names
and write on
the bills the
time of loan
or payment.

Receivers, &c.
to be allowed
interest by
them paid, &c.

XV. *Provided also, and be it further enacted by the authority aforesaid, That the said bills, or any of them, may be re-issued and paid again out of his Majesty's exchequer, and when the same shall be re-issued or paid again out of his Majesty's exchequer, the respective teller there, from whose office such bill or bills bearing interest shall be so re-issued, or again paid out, shall indorse on the same bill and bills so re-issued, in words at length, the day of the month and year, in which the same were so re-issued or repaid out of the exchequer, and also on what account the same were last received into the receipt of the exchequer, and sign the same, from which time the interest of such bill or bills so re-issued or paid again, shall revive, and such bill or bills shall again run and pass at interest, as the same did before they were paid unto, or received by the said receivers or collectors, or before the same were paid or lent into the exchequer as aforesaid.*

Bills may be
re-issued, &c.

Tellers to indorse the days, &c. when re-issued, and on what account received.
Interest when to revive.

XVI. *And it is hereby enacted, That the same bills to be re-issued from time to time, or at any time, at the exchequer as aforesaid, shall be so re-issued for the principal money to be contained therein, and for so much interest as was due thereon, and allowed by the teller at the respective time and times when such bill and bills were last paid into the exchequer.*

Bills re-issued at exchequer, shall be so re-issued for principal and interest due, &c.

XVII. *And be it enacted, That every receiver general of any the revenues, aids, taxes or supplies, belonging or to belong to his Majesty, his heirs or successors, shall keep a fair book or books of accounts in writing of all the monies by him received, in which he or his deputy or deputies shall truly enter all the sums which shall have been received by him or them for every such revenue, aid, tax or supply, together with the names of the several collectors from whom the same, or any part thereof was received, the days when, and the sums paid, how much thereof,*

Receivers to keep a fair book of accounts, of monies received, &c.

Persons concerned, to have free access to such accounts without fee, &c. Penalty on receiver neglecting or refusing, &c.

New bills to be made forth in lieu of bills filled up or defaced, and to have like currency, &c.

Treasury may cause exchequer-bills, for any sum not exceeding 5000l. each, to be made forth in lieu of principal for bills of less value in the exchequer, &c. Such new bills to have like currency, &c. as if originally issued.

thereof in money, and how much thereof in such exchequer-bills, and what exchequer-bills shall have been exchanged by every such receiver general, pursuant to this act, to which accounts every person concerned shall have free access at all reasonable times, without fee or charge; and the said accounts shall constantly lie open at one certain place, within the limits of his receipt for that purpose; and if such receiver shall neglect to keep such book or books, or to enter therein any sum or sums of money by him received and paid as aforesaid, by the space of three days after the receipt or payment of the same, or shall refuse any person or persons concerned to inspect such book or books without fee or reward as aforesaid, every such receiver, for every such offence, shall forfeit the sum of one hundred pounds, to any person or persons who shall sue for the same, to be recovered by action of debt, or upon the case, bill, suit or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege or wager of law shall be allowed, or more than one imparlance.

XVIII. Provided always, and it is hereby enacted by the authority aforesaid, That in case any of the exchequer-bills, which shall be current as aforesaid, shall be filled up by writing or endorsements made thereon as aforesaid, or shall by any accident be defaced, it shall and may be lawful for the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, and he or they are hereby authorized and empowered, by their or his discretion, from time to time, to cause new bills to be made forth at the receipt of exchequer, in lieu of such bills which shall be so filled up or defaced, which bills so filled up or defaced, shall be cancelled at the receipt of exchequer, and kept there on a file or files for that purpose; and such bills so to be made forth in lieu thereof, shall have a like currency, and shall in all respects be subject to the same rules, methods and continuance, as the bills so filled up were intended to have been by this or any other act, and shall bear the same numbers, dates, and principal sums, and carry the like interest, as were born and carried by the bills so cancelled respectively.

XIX. And it is hereby enacted, That for the greater ease and dispatch of publick business at the exchequer, it shall and may be lawful to and for the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, and he or they are hereby authorized and enabled in case he or they shall so think fit, to cause exchequer-bills, for any large sums not exceeding five thousand pounds each, to be made forth at the receipt of exchequer, and to be placed as cash in the said receipt, in lieu of the like value of the principal contained in the said exchequer-bills made forth for lesser sums, which at the time of making such large bills shall happen to be in the said receipt, which shall be at the same time cancelled and discharged, and be kept there on a file for that purpose; and such new bills for such large sums shall or may be issued at the said receipt, and have the same currency, and be in all respects

spects subject to the same rules, methods, continuance, and carry the like interest, and have the same security, benefits and advantages, and the same pains of death, and other pains, penalties and forfeitures, for any crime or offence relating thereunto, shall be inflicted, incurred, and put in execution, as if they had been originally issued by virtue of this or any other act for the said lesser bills; any thing herein contained to the contrary notwithstanding.

XX. And it is hereby enacted by the authority aforesaid, ^{Forging such bills, &c. felony.} That if any person or persons shall forge or counterfeit any exchequer-bill, made forth by virtue of this or any other act of parliament, before the same shall be paid off and cancelled, or any exchequer-bill to be renewed, or made forth in pursuance of this act, or any indorsement or writing thereupon or therein, or tender in payment any such forged or counterfeit bill, or any exchequer-bill, with such counterfeit endorsement or writing thereon, or shall demand to have such counterfeit bill or any such exchequer-bill, with such counterfeit endorsement or writing thereupon or therein, exchanged for ready money by any person or persons, body or bodies politick or corporate, who shall be obliged or required to exchange the same, or by any other person or persons whatsoever, knowing the bill so tendered in payment or demanded to be exchanged, or the endorsement or writing thereupon or therein, to be forged or counterfeit, and with intent to defraud his Majesty, his heirs or successors, or the persons to be appointed to circulate or exchange the same or any of them, or any other person or persons, body or bodies politick or corporate, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony without benefit of clergy.

XXI. And it is hereby further enacted, That the undertakers for circulating the said bills or such of them as shall be current, shall, ^{Undertakers for circulating bills, &c.} from time to time, have the use and custody of one part of all bills to have the cheques, indents or counterfoils, of all the exchequer-bills ^{custody of cheques, &c.} to be circulated or exchanged by them, from which the said bills are or shall be cut, in order to prevent their being imposed upon by counterfeit or forged bills, and that such parts of the said cheques, indents or counterfoils shall be delivered back ^{to be delivered into exchequer when bills are to be cancelled.} into the exchequer by such undertakers, when the same bills are to be cancelled and discharged.

XXII. Provided always, and it is hereby enacted, That as often as any interest upon the exchequer-bills, made forth or to be made forth by virtue of this or any former act or acts of parliament, and remaining undischarged, shall be demanded to be ^{Interest upon bills remaining undischarged not paid to lesser sum than one penny, &c.} paid by any undertakers for circulating or exchanging the same, for the time being, they shall not be obliged to pay for such interest any lesser sum than one penny upon such bill, in case a single bill be produced for payment; or for the total of the interest of such bills, where two or more shall be offered at one time by the same person; any thing herein contained to the contrary notwithstanding.

Principal of one million lent to South-Sea company, to be a fund for discharging sums contained in bills, &c.

Interest due upon bills to be supplied out of sinking fund. After repayment by South-Sea, bills to be cancelled.

Publick notice in the Gazette, &c. to be given when bills standing out, shall be delivered to be cancelled.

Bills not brought in by time prefixed, &c. to lose their currency, &c.

XXIII. *And to the end all the exchequer-bills, not exceeding one million, by this act authorized to be made forth, for or towards his Majesty's supply as aforesaid, may effectually be paid off, discharged and cancelled, on or before the said seventh day of June one thousand seven hundred and twenty three; it is hereby further provided and enacted by the authority aforesaid, That the said principal sum of one million owing by the said South-Sea company for so much lent to them as aforesaid, is and shall be a fund and security for paying off, discharging and cancelling the principal sums, not exceeding one million, which shall be contained in the bills to be made forth by virtue of this act; and that so much as shall then be due or unpaid for interest upon the said bills to be made forth by virtue of this act (if any such interest shall be then due or unpaid) shall be supplied and made good out of the monies then arisen or to arise, of or for the said fund, called the sinking fund; and that the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, as soon as conveniently may be, after the repayment of the said sum of one million by the said South-Sea company into the exchequer, shall, out of that money, and out of the monies of the said sinking fund as aforesaid, cause all the bills which shall have been made forth by virtue of this act, for the said sum not exceeding one million, and the interest remaining due thereupon (if any such interest shall be then due and unpaid) to be paid off, discharged and cancelled accordingly; and for that end and purpose shall, by publick notice in writing, to be affixed upon the Royal Exchange in London, and published in the London Gazette, prefix a certain day, by or before which all the said bills, not exceeding one million, which shall have been made forth by virtue of this act, and be then standing out, shall be brought in and delivered to such person or persons as the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, shall appoint to receive the same at or near the exchequer, to be paid off, discharged and cancelled accordingly; and if any of the said bills which shall have been made forth pursuant to this act, for the said sums not exceeding one million, shall then be in the office or offices of any teller or tellers of the exchequer as cash, the said commissioners of the treasury, or the high treasurer for the time being, shall cause so much of the money so repaid, to be placed in the exchequer instead of such bills, upon the account or accounts of such teller or tellers respectively; and that all such of the said bills, not exceeding one million, to be made forth by this act, as shall not be brought in upon such notice as is last mentioned, to be paid off, discharged and cancelled as aforesaid, within the time or times therein to be prefixed, shall lose their currency, and no interest shall grow due thereupon, after the time prefixed by such notice.*

XXIV. *Provided always, That in case proof shall be made upon oath of one or more credible witnesses, before the lord chief baron, and other the barons of the coin of his Majesty's court*

court of exchequer, or any of them, that any of the bills which shall have been made forth for the said sum, not exceeding one million, by this act, were, by casualty or mischance, lost, burnt or otherwise destroyed, before the time of such notice given for calling in the same, and if by the party's oath the numbers and sums of such bill or bills shall be ascertained, and if thereupon the said chief baron and other the said barons, or any of them, before whom such oaths were made, shall certify, that he or they are satisfied in such proof, then, and in every such case, the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, are hereby authorized to cause the money due upon such bill or bills so lost, burnt or destroyed, to be satisfied out of the money which shall be repaid as aforesaid, as if the original bill or bills were brought in to be cancelled: provided the person or persons so receiving the money, do give security to the King, to the good liking of the person or persons who shall be appointed as aforesaid, to take in the said bills, to pay into the exchequer, for the use of the publick, so much money as shall be paid upon such certificate or certificates, if the bill or bills so certified to be lost, burnt or destroyed, be hereafter produced.

On affidavit, &c. that bills, &c. were lost or destroyed, &c. before notice for calling in the same, &c. treasury to satisfy them out of the money repaid.

Security to be given for money paid on certificate, &c.

XXV. *And to the end a sufficient provision may be made for circulating and exchanging for ready money from time to time, the said exchequer-bills not exceeding one million, to be made forth by virtue of this act, during the time they are to be current, and for circulating and exchanging in like manner so many of the said exchequer-bills, made forth by virtue of the said two acts of the sixth and seventh years of his Majesty's reign, as will remain after cancelling one million thereof, out of the said surplusses and other monies pursuant to this act, which remaining bills will, by estimation, amount in principal money to the further sum of nine hundred and nineteen thousand nine hundred and twelve pounds ten shillings or thereabouts, so long as they are to be current; be it further enacted by the authority aforesaid, That the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, on his Majesty's behalf, shall and may, from time to time, enter into any contract or contracts for obliging any person or persons, body or bodies politick or corporate, who will voluntarily undertake this service at his or their own costs and charges, to circulate and exchange, or cause to be circulated and exchanged, at some publick office in London or Westminster for ready money, from time to time, all such of the said bills for several sums not exceeding one million and nine hundred and nineteen thousand nine hundred and twelve pounds ten shillings, as shall be demanded at the said publick office, during the time or respective times of such contract or contracts, by paying in ready money, at their own costs and charges, upon every such demand, or within twenty four hours after, all the principal monies contained in every such bill so demanded, and the interest which shall then be due thereupon, and so toties quoties as often as any such bill shall be demanded, the said undertakers, from time to time, up-*

Treasury may contract with undertakers, &c. for circulating bills for ready money.

Undertakers to pay principal and interest of bills, on demand.

Allowances
for payment
and services.

on exchanging every such bill, taking in the bill so exchanged for their own use, and being allowed a rate not exceeding three pounds *per centum per annum*, as well for paying the said interest at their own costs, as also in reward for their service, upon all the bills so undertaken to be circulated, so long as they shall exceed one million in principal, and a rate not exceeding twenty shillings *per centum per annum* for the like, upon all the bills so undertaken to be circulated, from the time they in the whole shall be reduced to any sum, not exceeding one million in principal, which said respective rates shall be paid as is herein after mentioned; and the said contract or contracts shall be made in writing, and registred in the office of the auditor of the receipt of his Majesty's exchequer, and shall be made to endure for such time and times respectively as shall be agreed by the contractors.

Contracts to
be registred.

Contractors,
for that cause,
not disabled
to be mem-
bers of par-
liament, nor
liable to be
bankrupts.

XXVI. And it is hereby enacted, That such contractors or any of them, shall not, for that cause only, be disabled from being a member or members of parliament, or be adjudged liable to be a bankrupt or bankrupts, within the intent or meaning of all or any of the statutes made against or concerning bankrupts; any law, statute or provision to the contrary notwithstanding.

Interest of 5l.
per centum
per annum,
payable by
South-Sea
company, &c.
and sinking
fund, to be se-
curities for al-
lowances to
undertakers.

XXVII. *And to the end the said respective rates, not exceeding three pounds per centum per annum, and twenty shillings per centum per annum to be paid to the said undertakers as aforesaid, may constantly be raised and paid:* it is hereby enacted by the authority aforesaid, That the abovesaid interest after the rate of five pounds *per centum per annum*, payable by the said South-Sea company, for the said million which was lent to them, shall be, and the same is hereby enacted to be a fund or security, so long as such interest shall be payable, for or towards answering the said allowance, not exceeding the said rate of three pounds *per centum per annum* to the said undertaker or undertakers; and that the monies hereafter to come in upon the said sinking fund, shall be a fund or security for answering so much as (together with the said interest payable by the South-Sea company) shall make up the said allowance after the said rate not exceeding three pounds *per centum per annum*, so long as the same shall be payable, and for answering the said allowance not exceeding the rate of twenty shillings *per centum per annum*, from the time the same is to commence, during the continuance thereof, according to the true intent and meaning of this act; and that the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, shall cause the said respective rates to the said undertakers to be paid and applied out of the same funds or securities accordingly; any former law or statute to the contrary notwithstanding.

Treasury to
cause pay-
ments, &c.

If provision be
made by par-
liament of
money for dis-
charging the

XXVIII. Provided always, and it is hereby enacted by the authority aforesaid, That if at any time or times hereafter provision shall be made by authority of parliament, in the lawful coins of this realm, placed in the exchequer, for paying off and dis-

discharging the said exchequer-bills, which are made forth by bills made the said act of the sixth year of his Majesty's reign (in lieu of old exchequer-bills which were cancelled in pursuance thereof) computed to amount to the said sum of nine hundred nineteen thousand nine hundred twelve pounds and ten shillings or thereabouts, then the said bills themselves so computed to amount to nine hundred nineteen thousand nine hundred twelve pounds and ten shillings or thereabouts, which shall be so paid off, or for which such coined money shall be reserved in the exchequer to discharge the same, shall be discharged and cancelled; and if before the seventh day of *June* one thousand seven hundred and twenty three, coined money shall not be raised and brought to the receipt of the exchequer for discharging the bills last mentioned, then all the monies which shall then remain or afterwards come into the exchequer, of or for the said surplusses, excesses and overplusses, commonly called the sinking fund, shall be applied for or towards paying off, discharging and cancelling the said exchequer-bills, not exceeding nine hundred nineteen thousand nine hundred twelve pounds and ten shillings or thereabouts, till they shall all compleatly be paid off and cancelled, in such or the like manner and form as are by this act prescribed for cancelling and discharging the said bills not exceeding one million, to be made forth by virtue of this act; this present act or any thing therein contained to the contrary notwithstanding.

XXIX. Provided always, and it is hereby enacted by the authority aforesaid, That all the monies arisen or to arise into the exchequer by the said surplusses, excesses and overplusses, commonly called the sinking fund (except so much as at *Lady-day* one thousand seven hundred and twenty two or afterwards, is to be applied to discharge the said exchequer-bills not exceeding one million, which were originally created to be lent to the company as aforesaid, and except so much of the said sinking fund as will pay off and discharge the said bills, not exceeding nine hundred nineteen thousand nine hundred twelve pounds and ten shillings or thereabouts, in such case as aforesaid, and except such monies as are by this or any other act of this session of parliament, or by any other act or acts of any former session of parliament, specially charged upon the said sinking fund, or to be paid out of the same, or out of any monies composing the said sinking fund) shall be appropriated, reserved and employed, to and for discharging the principal and interest of such national debts and incumbrances, as were incurred before the twenty fifth day of *December* one thousand seven hundred and sixteen, and are declared to be such national debts as may be redeemed and are provided for by act of parliament, in such manner and form as shall be directed and appointed by any future act or acts of parliament, to be discharged therewith or out of the same, and to and for none other use, intent or purpose whatsoever.

XXX. And it is hereby enacted by the authority aforesaid, That no fee, reward or gratuity shall be demanded or taken, No fee to be taken for any thing done in

bills made forth by 6 Geo. then the bills paid off, shall be cancelled.

If monies be not raised before 7 June 1723, then the monies coming in of the sinking fund, to be applied to cancelling bills, &c.

Monies to arise by sinking fund (except as herein excepted) to be appropriated for discharging principal and interest of national debts incurred before 25 Dec. 1716.

purfuance of
this act.

Penalty on of-
ficer, &c.
mifapplying
monies, &c.

Treafury out
of finking
fund to defray
the charges of
executing this
act.

Recital of
7 Geo. 1.
Stat. J. C. 27.

directly or indirectly, by any his Majesty's officers in the exchequer, or by any of their clerks or substitutes, from any his Majesty's subjects, for any matter or thing to be done by the said officers, clerks and substitutes, or any of them respectively, in purfuance of this act; and that no fuch officer, clerk or substitute fhall divert or mifapply, or caufe or procure to be diverted or mifapplied, any of the monies by this act intended for the exchanging, circulating or paying off the faid bills or any of them, under fuch penalties, forfeitures and difabilities, to be incurred by and inflicted on them refpectively, as by one act of this feffion of parliament for granting an aid to his Majesty by a land-tax to be raifed in *Great Britain*, for the fervice of the year one thoufand feven hundred and twenty two, are prefcribed or enacted for diverting and mifapplying any the monies thereby granted, or for taking or demanding any fee, reward or gratuity concerning the fame.

XXXI. Provided always nevertheless, and it is hereby enacted by the authority aforefaid, That the faid commissioners of the treafury, or any three or more of them, or the high treafurer for the time being, fhall have power, and he or they are hereby enabled to pay and allow, or caufe to be paid and allowed, out of the monies to arife of or for the faid fupplufles, exceffes and overplus monies, called the finking fund, from time to time, the neceffary charges of cancelling fuch exchequer-bills as are hereby directed to be cancelled, and of making forth the new exchequer-bills hereby authorized to be made forth, and fuch other charges as fhall be neceffarily incident in or for the execution of this act, or any part thereof; any thing herein contained to the contrary notwithstanding.

XXXII. *And whereas the revenues fettled or appointed for the fervice of his Majesty's houfhold, and the honour and dignity of the crown, did produce in clear money for one year, ended at Michaelmas one thoufand feven hundred and twenty, the fum of one hundred two thoufand fix hundred eighty two pounds feven fhillings and eleven pence three farthings, over and above the fum of feven hundred thoufand pounds, allowed for thofe fervices in that year; and by an act of parliament made and paffed in the feventh year of his Majesty's reign, intituled, An act for raifing a fum not exceeding five hundred thoufand pounds, by charging annuities at the rate of five pounds per centum per annum, upon the civil lift revenues till redeemed by the crown; and for enabling his Majesty, his heirs or fucceffors (by caufing fuch a deduction to be made as therein is mentioned) to make good to the civil lift the payments which fhall have been made upon the faid annuities; and for borrowing money upon certain lottery tickets; and for difcharging the corporations for affurances of part of the money which they were obliged to pay to his Majesty; and for making good a deficiency to the *East-India* company, it was enacted, That yearly and every year, from and after the feaft of the nativity of Saint John Baptift in the year of our Lord one thoufand feven hundred and twenty one, a certain yearly fund, to be computed after the rate of*

five pounds per centum per annum, for and upon all the annuities to be purchased upon that act, should be and was, by virtue thereof, settled and established in the manner therein mentioned; and that for raising any sum or sums of money, not exceeding five hundred thousand pounds, for the purposes therein mentioned, it should be lawful for any persons, bodies politick or corporate, to contribute, advance and pay to the first or chief cashier of the governor and company of the bank of England for the time being, any sum or sums of money, not exceeding in the whole the said sum of five hundred thousand pounds, for the purchase of such annuity or annuities as were thereby charged or chargeable, subject to such redemption as is therein mentioned; and the commissioners of his Majesty's treasury, or the high treasurer for the time being, were thereby impowered to cause any arrear or arrears of any fees, salaries, wages, pensions, annuities or other certain or extraordinary allowances, or any debt or debts, sum or sums of money due or to be due or payable at the receipt of exchequer, by virtue of any letters patents or other lawful authorities, whereupon the same respectively were or should be grounded, to be satisfied and paid at the same receipt, by levying tallies of pro or assignments, or other tallies upon the said cashier for the time being, for or in part of the said sum not exceeding five hundred thousand pounds; and that upon producing such tally or tallies, and delivering or tendring the same to the said cashier, the same cashier should forthwith give a receipt in writing for such tally or tallies, and the person or persons so producing and delivering or tendring the same, should in respect thereof be deemed contributors within the meaning of that act; and their names and the sums contained in such tallies respectively, should be fairly entered in the book or books of the controller therein mentioned, and into the duplicates thereof, to be transmitted into the office of the auditor of the receipt of the exchequer; and such contributor and contributors, by delivering up his, her or their tallies, or such as he, she or they should nominate, his, her or their executors, administrators, successors and assigns should have, receive and enjoy the respective annuity and annuities so purchased out of the yearly fund by that act settled and established, and should have such or the like estate and interest therein, as if his, her or their contribution or contributions had been specifically made in ready money, as by the act last mentioned, relation being thereunto had, may more fully appear. And whereas the above mentioned sum of one hundred two thousand six hundred eighty-two pounds seven shillings and eleven pence three farthings, was part of the said sum not exceeding five hundred thousand pounds intended to be raised by the act last in part recited, and after the raising thereof, the said sum of one hundred two thousand six hundred eighty two pounds seven shillings and eleven pence three farthings, ought (as part of the excess or surplus of the fund, commonly called the aggregate fund, arisen within the said year, ended at Michaelmas one thousand seven hundred and twenty) to be applied to make good so much of the surpluses, excesses and overplus monies, commonly called the sinking fund, out of which the exchequer-bills, formerly lent to the South-Sea company, are by this act appointed to be paid off and cancelled, as is above mentioned: now for the more effectual raising the said sum of one hun-

Tallies to be struck for raising 102,682l. 7s. 11d. 3q. part of the sum of 500,000l.

Persons producing such tallies to the cashier of the bank of England, to have receipts, and be deemed contributors within the act 7 Geo. I. stat. 1. C. 27.

Such persons upon delivery of tallies, &c. entitled to annuities in the last mentioned act, &c.

Treasury may cause monies to be raised upon such tallies, &c. and assignments to be made thereupon.

hundred two thousand six hundred eighty two pounds seven shillings eleven pence three farthings, and applying the same as aforesaid; be it further enacted by the authority aforesaid, That the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall or may, and they are hereby enabled and empowered to cause such tallies of *Pro* or assignment as aforesaid, or other tallies, to be levied and stricken in the name or names of such person or persons, as they the said commissioners of the treasury, or any three or more of them, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall think fit to entrust in this behalf, as part of the said sum not exceeding five hundred thousand pounds, which was intended to be raised by the said former act; and that upon the producing or tending of such tally or tallies to the said cashier of the governor and company of the bank of *England* for the time being, a receipt or receipts in writing shall be given by the said cashier to the person or persons so to be entrusted, his or their assignee or assigns, producing or tending the same; and that the person or persons, his or their assignee or assigns, so producing and delivering or tending the same, shall, in respect thereof, be deemed and adjudged to be contributors within the meaning of the act in part before recited; and their names, and the sum contained in such tallies respectively, shall be fairly entred in the book or books of the said controller for the time being, and into the duplicates thereof, to be transmitted into the office of the auditor of the receipt of the exchequer; and that such person or persons so to be entrusted, or the person or persons, body or bodies politick or corporate, who (as assignee or assigns of the person or persons so to be entrusted) shall deliver up or tender such tally or tallies, his or their executors, administrators, successors and assigns, shall have, receive and enjoy, and be entitled by this act to have, receive and enjoy the respective annuity or annuities to be payable for or in respect of the said sum of one hundred two thousand six hundred eighty two pounds seven shillings and eleven pence three farthings, and every or any part thereof, out of the yearly fund by the last mentioned act settled and established, and shall have such and the like estate and interest therein, from the said feast of Saint *John Baptist* one thousand seven hundred and twenty one, and all other benefits and advantages in respect thereof, as if such contributions had been specifically made in ready money, according to that act.

XXXIII. And for the more speedy raising of money towards making good the sinking fund as aforesaid, it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, to cause any sum or sums of money to be raised upon such tallies of *Pro* or assignment, or other tallies, or upon such annuities to be payable in respect thereof, as aforesaid, by mortgage,

gage, sale, or otherwise, and at or for such price or prices, or at such rate or rates of interest, or for such considerations, as to the said commissioners of the treasury, or high treasurer for the time being, shall seem most expedient, and thereupon to cause any assignment or assignments of the said tallies and annuities, or any of them, to be made to the person or persons, body or bodies politick or corporate, who shall purchase the said tallies, or any of them, or the said annuities, or any of them, or shall lend any monies upon the said tallies and annuities, or any of them, as the said commissioners of the treasury, or high treasurer for the time being, shall judge to be reasonable; all which annuities, in respect of the said sum of one hundred and two thousand six hundred eighty two pounds seven shillings and eleven pence three farthings shall nevertheless be subject to such redemption by parliament, as is by the said recited act provided touching the other annuities which have been or shall be purchased thereupon.

Annuities subject to redemption by parliament, &c.

XXXIV. And it is hereby enacted, That all the monies that shall be raised as aforesaid, for or towards the said sum of one hundred and two thousand six hundred eighty two pounds seven shillings and eleven pence three farthings, as fast as the same shall be raised, shall be applied towards making good the sinking fund as aforesaid, out of which the said exchequer-bills, which were lent to the *South-Sea* company, as is above-mentioned, are directed to be paid off and cancelled as aforesaid; any other law or statute to the contrary notwithstanding.

Monies applied to make good the sinking fund, out of which exchequer-bills are to be paid off.

XXXV. Provided always, and be it enacted by the authority aforesaid, That all monies lent and to be lent to his Majesty upon one act of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land-tax to be raised in Great Britain, for the service of the year one thousand seven hundred and twenty two*; and so much money (if any such be) of the tax thereby granted, as shall arise and remain after all the loans made or to be made on the act last mentioned, and all the loans by that act or any other act of this session of parliament transferred or to be transferred to the register for the said land-tax, and the interest of the said several and respective loans, and the charges allowable for raising the said land-tax, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and all the monies to be raised by way of a lottery or otherwise, by virtue of an act of this session of parliament for continuing the duties on malt, mum, cyder and perry, to raise money by way of a lottery for the service of the year one thousand seven hundred and twenty two, and for other the purposes therein expressed, and so much of the same duties upon malt, mum, cyder and perry by that act granted or continued, as shall arise and remain (if any such be) after all the payments thereby directed to be made upon certificates, as well for the unfortunate as the fortunate tickets therein mentioned, and the charges by that act allowable for the execution thereof, shall be satisfied, or monies sufficient shall be reserved to discharge the same; and

Dispositions and applications of loans and other monies.

8 Geo. 1. c. 1.

8 Geo. 1. c. 2.

all

222,552*l.* 13*s.*
9*d.* and one
fifth part of a
penny applied
to make good
the deficiency
of the general
fund for the
year ended at
Mich. 1721.

all the monies to be raised by issuing exchequer-bills not exceeding one million, or otherwise, by virtue or in pursuance of this present act, and the sum of fifty six thousand eight hundred seventy two pounds thirteen shillings and three pence and four fifth parts of a penny, being part of the monies which were granted to his Majesty for the services of the year one thousand seven hundred and twenty one, and exceeded the services voted or enacted for that year, shall be appropriated and applied, and are hereby appropriated for and towards the several uses, intents and purposes herein expressed; subject nevertheless to such restrictions as are herein after prescribed; that is to say, It is hereby enacted and declared, That out of all or any the aids or supplies provided as aforesaid there shall and may be issued and applied any sum not exceeding one hundred eleven thousand five hundred thirty two pounds thirteen shillings and nine pence and one fifth part of a penny, to make good the deficiency of the fund, commonly called the general fund, for raising seven hundred twenty four thousand eight hundred and forty nine pounds six shilling and ten pence and one fifth part of a penny *per annum*, for the year ended at *Michaelmas* one thousand seven hundred and twenty one.

For naval ser-
vices.

XXXVI. And it is hereby enacted and declared, That out of all or any the aids or supplies provided as aforesaid there shall and may be issued or applied any sum or sums of money not exceeding one million six hundred seven thousand eight hundred ninety four pounds four shillings and four pence and one fourth part of a penny, for or towards the naval services herein after more particularly expressed; that is to say, for or towards defraying the charge of the ordinary of his Majesty's navy, and for half-pay to sea-officers; and for or towards victual, wages, wear and tear of the navy, and the victualling thereof performed and to be performed; and for or towards sea-services in the office of the ordnance performed and to be performed; and towards discharging the debt of the navy as it stood at *Michaelmas* one thousand seven hundred and twenty one; and for or towards discharging the debt for transport-service as it stood at *Michaelmas* one thousand seven hundred and twenty one; and for or towards other services of the navy performed or to be performed.

For the ord-
nance for land-
service, and
supplying his
Majesty's
stores with salt
petre, and re-
building gun-
wharfs at Chat-
ham and Ply-
mouth.

XXXVII. And it is hereby also enacted, That out of all or any of the aids or supplies provided as aforesaid there shall or may be issued and applied any sum or sums of money not exceeding ninety three thousand one hundred sixteen pounds eleven shillings and eleven pence and three fourth parts of a penny, for or towards defraying the charge of the office of his Majesty's ordnance for land-services performed and to be performed; and towards supplying his Majesty's stores with salt-petre, and rebuilding the gun-wharfs at *Chatbam* and *Plymouth*, and other extraordinary services to be performed by the office of ordnance in the year one thousand seven hundred and twenty two; and for defraying several extraordinary expences of the office of ordnance

ordnance for land-services in the year one thousand seven hundred and twenty one, not provided for by parliament.

XXXVIII. And it is hereby likewise enacted, That out of all or any the aids or supplies provided as aforesaid there shall or may be issued and applied any sum or sums of money not exceeding in the whole the sum of eight hundred forty four thousand four hundred seventy one pounds twelve shillings and ten pence half-penny, for or towards maintaining his Majesty's land-forces and other services herein after more particularly expressed, that is to say, Any sum not exceeding five hundred sixty eight thousand nine hundred thirty two pounds thirteen shillings and four pence, for defraying the charge of fourteen thousand two hundred ninety four effective men (including commission and non-commission officers and invalids) for guards, garrisons and other his Majesty's land-forces in *Great Britain, Jersey and Guernsey*, and other services relating to the forces for the year one thousand seven hundred and twenty two; and any sum and sums of money not exceeding one hundred fifty thousand seven hundred forty three pounds thirteen shillings and four pence halfpenny, for maintaining his Majesty's forces and garrisons in the plantations, *Minorca and Gibraltar*, and for provisions for the garrisons at *Annapolis Royal, Placentia and Gibraltar*, for the year one thousand seven hundred and twenty two; and any sum and sums of money not exceeding fifteen thousand pounds, upon account of out-pensioners of *Chelsea Hospital*, for the year one thousand seven hundred and twenty two; and any sum and sums of money not exceeding twenty thousand seven hundred ninety five pounds six shillings and two pence, for defraying several extraordinary expences for the service of his Majesty's land-forces, and for provisions, and to satisfy several clothiers assignments, not before provided for by parliament; and any sum and sums of money not exceeding eighty nine thousand pounds, upon account of half-pay to the reduced officers of his Majesty's land-forces and marines; subject nevertheless to such rules to be observed in the application of the said half-pay, as are herein after prescribed concerning the same.

For land-forces.

Guards and garrisons in Great Britain, &c.

Plantations, Minorca and Gibraltar.

Chelsea hospital.

Extraordinary.

Half-pay officers.

XXXIX. And be it enacted, That the said aids or supplies provided as aforesaid shall not be issued or applied to any use, intent or purpose whatsoever, other than the uses and purposes before-mentioned:

The said supplies to be applied to no other uses.

XL. Provided always, That such sums as by and in pursuance of any other act or acts of parliament are or shall be due or payable to any commissioners for taking, examining, stating and determining the debts due to the army, for their salaries, or for their clerks, or other incident charges, shall or may be paid out of the aids or supplies aforesaid, or any of them; any thing herein contained to the contrary notwithstanding.

For the commissioners of army accounts.

XLI. And as to the said sum of eighty nine thousand pounds by this act appropriated on account of half-pay as aforesaid, it is hereby enacted and declared by the authority aforesaid, That the

Rules to be observed in the application of the half-pay.

rules herein after prescribed shall be duly observed in the application thereof; that is to say,

That no person shall have or receive any part of the same, who was a minor under the age of sixteen years at the time when the regiment, troop or company in which he served was reduced.

That no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop or company.

That no person having any other place or employment of profit, civil or military, under his Majesty, shall have or receive any part of the half-pay.

That no chaplain of any garrison or regiment, who has any ecclesiastical benefice, or other preferment in *Great Britain*, or *Ireland*, shall have or receive any part of the said half-pay.

That no person shall have or receive any part of the same who hath resigned his commission, and has had no commission since.

That no part of the same shall be allowed to any persons, by virtue of any warrant or appointment, except to such persons who would have been otherwise entitled to the same, as reduced officers.

And that no part of the same shall be allowed to any of the officers of the five regiments of dragoons and eight regiments of foot lately disbanded in *Ireland*, except to such as were lately taken off the establishment of half-pay in *Great Britain*.

7Geo. I. stat. 1.
c. 4.
Clause for disposing the overplus money of half-pay officers to the compassionate list.

XLII. *And whereas by an act of parliament made in the seventh year of his Majesty's reign, for continuing the duties upon malt, mum, cyder and perry, to raise money by way of lottery for the service of the year one thousand seven hundred and twenty one, and for other purposes therein expressed, several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed, amongst which any sum or sums not exceeding the sum of ninety four thousand five hundred pounds, upon account of half-pay for the year one thousand seven hundred and twenty one, was appropriated to be paid to the reduced officers of his Majesty's land-forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf: now it is hereby provided, enacted and declared by the authority aforesaid, That so much of the said sum of ninety four thousand five hundred pounds, as is or shall be more than sufficient to satisfy the said reduced officers, according to the said rules by the aforesaid act prescribed to be observed in the application thereof, or any part of such overplus, shall or may be disposed to such officers, who were maimed or lost their limbs in the late wars, or to such others as by reason of their long service, or otherwise, his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this or the said former act to the contrary notwithstanding.*

XLIII. *And*

KLIII. *And whereas amongst divers matters and things contained in an act of parliament made in the ninth year of the reign of her late majesty Queen Anne, of blessed memory, a sum of one hundred three thousand and three pounds eleven shillings and four pence was appointed to be distributed amongst the proprietors and inhabitants of the islands of Nevis and Saint Christophers, who sustained great losses by a late invasion and depredation of the French, to encourage them to resettle in the said islands; and by another act made in the tenth year of her said late Majesty's reign, taking notice that the bounty aforesaid would exceed or amount at least to one third part of the said losses sustained by the planters and inhabitants of the said islands only, it was enacted, That her Majesty's commissioners for the affairs of trade and plantations, or any three or more of them, on such proof as was therein prescribed, should or might forthwith issue out, in the respective names of every such sufferer, his, her or their executors or administrators, debentures for one full third part of their respective losses specified in the return of a commission therein mentioned (such requisites being first performed by the said sufferers, their agents or assigns, as by the said acts were to be done and performed) and that such debentures should be delivered out to them, or their respective agents or attornies, and should carry interest for the principal sums therein mentioned after the rate of six pounds per centum per annum, from the five and twentieth day of December one thousand seven hundred and eleven: and whereas the commissioners for trade and plantations did make forth debentures pursuant to the said acts, which amount in principal money to the sum of ninety nine thousand three hundred sixty one pounds sixteen shillings, and no more, the interest whereof, at the rate aforesaid, hath been satisfied until the feast of the birth of our Lord Christ one thousand seven hundred and fourteen; and the said principal sum, together with forty one thousand seven hundred thirty one pounds nineteen shillings and one penny farthing, for the like interest thereof, incurred for seven years, ended at the feast of the birth of our Lord Christ one thousand seven hundred and twenty one, making together one hundred forty one thousand ninety three pounds fifteen shillings and one penny farthing, do still remain unsatisfied: now to the end the several proprietors of the said debentures may have a just and reasonable satisfaction for the principal and interest due or unpaid to them respectively, it is hereby provided and enacted by the authority aforesaid, That the said respective proprietors, and their respective executors, administrators and assigns, shall by virtue of this act have and be entitled to an annuity after the rate of three pounds per centum per annum, for and in lieu of the principal and interest due or unpaid to them respectively, as aforesaid, the same annuities to commence from the said feast of the birth of our Lord Christ one thousand seven hundred and twenty one, and to be payable half-yearly; to wit, at the feasts of the nativity of Saint John Baptist, and the birth of our Lord Christ, by equal portions, until the redemption thereof by parliament; the first payment thereof to be made at the feast of the nativity of Saint John Baptist one thousand seven hundred and twenty two; and the*

9 Ann. c. 23.
 l. 88.
 Clause for relief of the sufferers at Nevis and St. Christophers, by an invasion of the French in the late wars.
 10 Ann. c. 34.

See 9 Geo. 1.
 c. 12.

Unsatisfied debentures, how to be made good.

Annuities upon unsatisfied debentures, to be paid out of the general fund of
3 Geo. 1. c. 7.

Treasury, upon producing debentures, to issue order for payment of annuities to proprietors, &c. until redemption.

Annuities to be deemed personal estates, &c. and may be assigned.

No assignment revocable, &c.

On producing such assignment, &c. party to bring an affidavit of its due execution. Officers of exchequer to make memorandum, &c. Annuities to be paid by officers in exchequer without fee.

Officers to be rewarded out of sinking fund.

Annuities, when to determine.

same annuities shall be and are, by virtue of this act, charged and chargeable upon and payable out of the monies arising or to arise of or for the customs, subsidies, impositions, rates, duties, proportional parts, weekly and other provisions and payments, commonly called the general fund, established by an act of parliament of the third year of his Majesty's reign, amounting to seven hundred twenty four thousand eight hundred forty nine pounds six shillings and ten pence and one fifth part of one penny *per annum*; and the commissioners of his Majesty's treasury, or any three or more of them, or the high treasurer for the time being, are hereby authorized and impowered, upon producing to him or them any of the said debentures, to issue standing orders for paying at the receipt of the exchequer the said annuities to the said respective proprietors, their executors, administrators, successors or assigns respectively, out of the monies arisen or to arise out of the said general yearly fund, until such redemption as aforesaid; which annuities shall be deemed to be personal estates, and shall be free from all taxes, charges and impositions whatsoever, and the respective proprietors thereof shall have good and sure estates therein, and shall have power to assign or devise his, her or their estate or interest of and in any such annuity or any part thereof, and so *toties quoties*; and no such assignment shall be revocable, so as an entry or memorandum of such assignment or will be made in books kept for that purpose in the office of the auditor of the receipt of exchequer, within three months after such assignment or death of the devisor; and that upon producing such assignment or will, or probate thereof, in the said office of receipt, to be entred as aforesaid, the party so producing the same shall bring therewith an affidavit, taken before one or more of his Majesty's justices of the peace, of the due execution of the said assignment or will, which affidavit or affidavits shall be severally filed in the said office; and the proper officers in the said receipt of exchequer are hereby required to make such entry or memorandum accordingly, and to file the said affidavits; and in default of such assignment or devise by deed or will, the interest of such person or persons shall go to his or her executors or administrators; and it is hereby enacted, That the same annuities shall be paid by the officers in the receipt of exchequer without demanding or receiving any fee, gratuity or reward for the same.

XLIV. Provided always, That out of the monies arising or to arise at the exchequer as aforesaid, of the said surplusses, excesses or overplusses, called the sinking fund, it shall and may be lawful to and for the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, to reward the officers and clerks in the said receipt for their pains and service in paying the same annuities, and to satisfy such incident charges as shall necessarily attend the payment thereof; any former law or statute to the contrary notwithstanding.

XLV. Provided also, and it is hereby enacted by the authority aforesaid, That at any time, upon publick notice to be
print-

printed in the *London Gazette*, and affixed upon the *Royal Exchange* in *London*, by authority of parliament, at any of the four most usual feasts of the year, and upon repayment by parliament of the respective principal sums for which the same annuities shall be payable, to such respective persons and corporations as shall be entitled to the same annuities, and also upon full payment of all arrearages of the same annuities, to be computed by the day, after the rate of three pounds *per centum per annum*, till such actual repayment, then and not till then the same annuities shall cease and determine; any thing herein contained to the contrary notwithstanding; and that any vote or resolution of the house of commons signified by the speaker in writing, to be inserted in the said *London Gazette*, and affixed on the *Royal Exchange* in *London* as aforesaid, shall be deemed and adjudged to be sufficient notice within the words and meaning of this act.

XLVI. And moreover, be it enacted by the authority aforesaid, That there shall be raised, levied, answered and paid unto and for the use of his Majesty, his heirs and successors, for and upon all apples, which at any time or times after the feast-day of the annunciation of the blessed Virgin *Mary* one thousand seven hundred and twenty two, during the term of three years from thence next ensuing, or before the end of the session of parliament next following the said term of three years, shall be imported or brought into the kingdom of *Great Britain* (over and above all customs, subsidies and duties already imposed thereupon) an additional duty, to be reckoned after the rate of two shillings for every bushel, and proportionably for a greater or lesser quantity, to be paid down in ready money by the importers, from time to time, before the landing of the same respectively.

XLVII. And be it enacted by the authority aforesaid, That the said additional duty upon apples imported, shall be raised, levied, recovered and paid, and be brought into his Majesty's exchequer, by such rules, ways, means and methods, and under such penalties and forfeitures, and in such manner and form, as the other duties upon apples imported, or any of them, are by any act or acts of parliament now in force, prescribed or appointed to be raised, levied, recovered, answered and paid.

XLVIII. And be it enacted by the authority aforesaid, That the said additional duty upon apples imported (except the necessary charges of management thereof) is and shall be applied for or towards making good the services for which his Majesty's supply, granted in this session of parliament, is by this act appropriated or applicable.

XLIX. And whereas by several acts of parliament now in force, several duties are payable upon the importation of pictures; be it further enacted by the authority aforesaid, That the said duties for all pictures, which shall be imported from and after the feast-day of the annunciation of the blessed Virgin *Mary* one thousand seven hundred and twenty two, shall cease and determine,

Resolution of the house of commons inserted by the speaker in the *London Gazette*, &c. to be sufficient notice.

An additional duty of 2s. per bushel to be paid on apples imported after 25 March 1722. This duty is continued for seven years by 11 Geo. 1. c. 7. sect. 11. EXP.

How, and under what penalties to be paid.

To what use applied.

Duties payable on pictures imported after 25 March 1722. For the measuring of pictures and imported, see

11 Geo. I. c. 7.
sect. 12.

and in lieu thereof there shall be paid and payable to his Majesty, his heirs and successors, for all pictures, that from and after the said feast day of the annunciation of the blessed Virgin *Mary* one thousand seven hundred and twenty two shall be imported into *Great Britain*, the certain duties following, according to the respective dimensions of such pictures, that is to say,

For pictures of
four feet
square, 3l.

For every picture of four feet square or upwards, or of any dimensions, which being reduced, will produce a square of four feet or upwards, the sum of three pounds, of lawful money of *Great Britain*.

Two feet
square, 40s.

For every picture of two feet square, and under four feet square, or of any dimensions, which being reduced will produce a square of two feet, and under four feet, the sum of forty shillings, of like money.

Less than two
feet, 20s.

And for every picture under two feet square, or of any dimensions, which being reduced will produce a square less than two feet, the sum of twenty shillings, of like money.

To be paid in
ready money
before land-
ing.

Which duties shall be paid down in ready money by the respective importers of such pictures, from time to time, before the landing of the same respectively.

How, and un-
der what pe-
nalties to be
paid.

L. And be it enacted by the authority aforesaid, That the said duties upon pictures imported, shall be raised, levied, recovered and paid, and be brought into the exchequer, by such rules, ways, means and methods, and under such penalties and forfeitures, and in such manner and form, as the duties upon pictures hereby taken away, or any of them, might have been raised, levied, recovered and paid, if the same or any of them had continued.

How appro-
priated.

LI. Provided always, and it is hereby enacted by the authority aforesaid, That the duties to arise upon the importation of pictures, pursuant to this act (the necessary charges of management excepted) shall be appropriated and applied as near as may be, to the same uses and purposes, to which the former duties upon pictures by this act taken away, were applicable or ought to have been applied if this act had not been made.

How redeem-
able.

LII. Provided also, and it is hereby enacted, That the duties by this act charged upon pictures imported, or any part thereof, shall be redeemable by parliament, in the same manner as the said former duties on pictures hereby taken away, or any of them, were redeemable; and in all cases where any of the said former duties on pictures were to cease or determine, a proportional part of the duties on pictures hereby charged, shall likewise cease and determine.

CAP. XXI.

An act to enable the South-Sea company to dispose of the effects in their hands by way of lottery or subscription, or to sell part of their fund or annuity payable at the exchequer, in order to pay the debts of the said company; and for relief of such who were intended to have the benefit of a late act touching payment of ten per centum therein mentioned.

WHEREAS the governor and company of merchants of Great Britain trading to the South-Seas, and other parts of America, and for encouraging the fishery, commonly called the South-Sea company, are possessed of divers shares of the capital stock of the said South-Sea company, transferred and pledged to the said South-Sea company, or their agents, for their use, for divers sums of money lent by the said South-Sea company, and are likewise possessed of or intitled unto other shares of the same capital stock, allowed by the said company for, or arising from or by means of receipts given for the payments made on subscriptions for money taken by the said South-Sea company, commonly called subscription-receipts, pledged to them, or their agents, for monies lent by the said South-Sea company thereupon, which said shares of the said capital stock amount together in the whole to three millions and upwards: and whereas the said South-Sea company stands indebted for exchequer-bills, and also by their bonds and dividend-warrants, in a larger sum of money than can be paid in such reasonable time as may be expected, without the sale or disposal of some part of their stock: and whereas the said several shares of stock so pledged and allowed for, or arising from or by means of the said subscription-receipts pledged as aforesaid, may be deemed, or supposed to be liable to redemption, though in no ways likely to be redeemed: and forasmuch as to enable the said South-Sea company speedily to pay their said debts, will tend to promote the publick credit; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the said South-Sea company, and they are hereby enabled, from and after the twenty fifth day of *March* one thousand seven hundred and twenty two, to sell, or otherwise dispose of to any person or persons, natives or foreigners, bodies politick or corporate, all or any part of the said several shares of the said stock, as well that pledged to the said company as aforesaid, as that which was allowed by the said company for, or arising from or by means of the said subscription-receipts so pledged as aforesaid, or any part of the fund or annuity issuing and payable at the exchequer, to the said company, not exceeding two hundred thousand pounds a year, by way of lottery, subscription, or otherwise, at such time or times, and in such manner, as by

After 25
March 1722.
South-Sea
company may
sell shares of
their stock (not
exceeding
200,000l. per
annum) by
lottery, &c.

the general court of the said *South-Sea* company shall from time to time be thought fit and expedient.

This act not to alter a provision in the act of 7 Geo. 1. stat. 2. c. 1. for paying in ten per cent. upon loans, &c.

II. Provided, That nothing herein contained shall be construed to extend to alter the provision made by an act made in the last session of parliament, intituled, *An act for making several provisions to restore the publick credit, which suffers by the frauds and mismanagements of the late directors of the South-Sea company and others*, for paying in ten per centum upon such loans, and thereupon discharging the borrowers from all further demands of the said *South-Sea* company, for or in respect of the monies so borrowed upon stock or subscription-receipts, and for absolutely vesting in the said *South-Sea* company such stock and subscription-receipts so transferred and pledged, and for which payments shall be made or tendred, according to the true intent and meaning of the same act, or to discharge any person or persons, who have not intitled themselves to the benefit of the said act, by making payments according to the directions of the same act, of or from any debt or debts due or owing to the said *South-Sea* company, upon such pledged stock and subscription-receipts, over and above the profit and advantage that shall be made by the said company, by sale, or other disposition of such pledged stock, and the stock allowed for, or arising from or by means of such subscription-receipts, so pledged to the company as aforesaid.

If *South-Sea* company raise money for payment of their debts, by way of lottery, no contributions to be taken in after 24 Dec. 1723. Purchasers of the company's annuities payable at the exchequer, intituled to the receipt.

III. Provided always, and it is hereby enacted by the authority aforesaid, That if the said *South-Sea* company shall think fit to raise all or any part of the money, by this act authorized to be raised for payment of their debts, by way of a lottery, then no contribution or contributions to such a lottery or lotteries, shall be received or taken in after the twenty fourth day of December which shall be in the year of our Lord one thousand seven hundred and twenty three.

IV. Provided also, and it is hereby enacted by the authority aforesaid, That in case the said *South-Sea* company shall think fit, in pursuance of any resolution or resolutions of their general court, to raise all or any part of the money by this act intended to be raised, for payment of the said company's debts, by selling or disposing any part or parts of the yearly funds or annuities of the said company, now payable at the exchequer, after the rate of five pounds *per centum per annum* (such part or parts not to exceed in the whole two hundred thousand pounds *per annum* as aforesaid) then the person or persons, body or bodies politick or corporate, who shall contract or agree for purchasing such part or parts of the said annuities, or yearly funds of the said company, shall be and be deemed to be able and capable in law, to purchase, take, hold and enjoy the same, and shall have, receive and enjoy, and be intituled by force and virtue of this act, to have, receive and enjoy the part or parts so purchased, from such time or times as shall be agreed upon by or between the said company and the purchaser or purchasers respectively.

V. And

V. And it is hereby enacted by the authority aforesaid, That all arrears of so much as shall be purchased as aforesaid, of and in the annuities or yearly funds of the said company, as shall be due and computed by the day to the time or respective times to be agreed upon as aforesaid, shall be and remain payable to the said company, by weekly payments, or otherwise, as the money appointed or intended by any act or acts of parliament to be applied for or towards the payment of such part or parts to be purchased as aforesaid, of and in the said annuities, or yearly funds, and the same shall be fully paid and satisfied before any of the payments, by this act directed or intended to be made to such purchaser or purchasers, shall be made; and that so much of the said part or parts to be purchased as aforesaid, of and in the annuities or yearly funds of the said company, as shall be computed by the day from the time or respective times to be agreed upon as aforesaid, until the usual quarterly feast-day then next ensuing, shall be reckoned to be due at the said next succeeding feast-day, and that from and after the same feast-day, the said part or parts of the said annuities, or yearly funds to be purchased as aforesaid, shall grow and be accounted due quarterly, at the four most usual feasts in the year, by even and equal portions (nevertheless to be satisfied by weekly or other payments, as is herein after mentioned) and that the said part or parts of the said annuities, or yearly funds so to be purchased, shall be paid and payable to the said person or persons, body or bodies politick or corporate, who shall purchase the same, his, her or their executors, administrators, successors and assigns respectively, out of the monies arisen or to arise into the said exchequer, of or for the particular duties, revenues, proportional parts of revenues, or other provisions now charged or chargeable with the same as annuities, or as part of the annuities of the said company, after the rate of five pounds *per centum per annum*, until and for the feast of the nativity of Saint *John the Baptist* which shall be in the year of our Lord one thousand seven hundred and twenty seven, and from thenceforth at the rate of four pounds *per centum per annum*, until redemption by parliament, according to the tenor and true meaning of this act; and that all the precepts, directions, powers, authorities, penalties, forfeitures and disabilities, clauses, matters and things contained in any act or acts of parliament now in force, for or in order to the satisfying, issuing, paying or securing the annuities or yearly funds of the said company, shall be applied, practised, and put in execution for satisfying, issuing, paying or securing the said part or parts, after the purchasing thereof, to the purchaser or purchasers, his, her or their executors, administrators, successors and assigns respectively, as fully and effectually as the same part or parts should or ought to have been issued, paid or secured, if the same were not sold as aforesaid, and as fully and effectually as if all and every the said precepts, directions, powers, authorities, penalties, forfeitures and disabilities, clauses, matters and things, were again repeated in this act.

No agreement to be made for sale of annuities to any body corporate, without ten days notice in the London Gazette before the meeting of a general court, &c. Annuities after the rate of 20 years purchase, to be capital stock, &c. bodies politick purchasing, may add the capital stock created, to their then capital, &c.

VI. Provided always, That no agreement for the sale of any part of the fund or annuity of the *South-Sea* company, shall be made between the said company and any other body politick or corporate, unless ten days notice at the least be given in the *London Gazette*, and upon the *Royal Exchange*, before the meeting of any general court of the *South-Sea* company, to be summoned to approve the sale of the same.

VII. And be it further enacted by the authority aforesaid, That the values, to be computed after the rate of twenty years purchase, for such part or parts of the said annuities as shall be so purchased, shall from the time or times to be specified in such agreement or agreements as aforesaid, become a capital stock of the person or persons, body or bodies politick or corporate, who shall so purchase the same; and in case such purchase or purchases shall be made by any body politick or corporate, such body politick or corporate is hereby enabled (in case they shall think fit) to add or unite the capital stock so created or cause the same to be added and united, to the then capital stock of the said body politick or corporate so purchasing the same; and in such case every member of such body politick or corporate shall have credit in the books thereof for his, her or their share or shares of the capital stock so created, added and united, and all the profits, dividends and advantages whatsoever to attend the same; and from and after any such purchase or purchases made as aforesaid, the capital stock of the said *South-Sea* company shall be lessened so much as the said value or values of the said part or parts so sold, shall amount unto; and the annuities or yearly funds of the same company shall likewise be lessened so much as the said part or parts of the said annuities so sold shall amount unto; any former law or statute to the contrary notwithstanding.

Treasury to make forth the orders for payment.

VIII. And for the better and more regular payment of all the monies intended by this act to be paid to such purchaser or purchasers of such part or parts of the said annuities (if any such be) his, her or their executors, administrators, successors or assigns respectively, at the different rates, and in such manner as aforesaid, (subject nevertheless to such reduction and redemption, as are by this act provided concerning the same) an order or orders shall, from time to time, be made forth and signed by the commissioners of the treasury, or any three or more of them, or by the high treasurer for the time being; and after signing thereof, the same shall be good, firm, valid and effectual in the law, according to the purport and true meaning thereof, and of this act, and shall not be determinable by or upon the death or removal of any commissioner or commissioners of the treasury, or high treasurer for the time being, or by or upon the death or determination of the power, office or offices, of them or any of them; nor shall any commissioners of the treasury, high treasurer, or under treasurer for the time being, have power to revoke, countermand or make void, such order or orders so made forth and signed as aforesaid.

The orders to be irrevocable.

IX. And for the more speedy payment of the monies which shall

shall be due and payable to any person and persons, body or bodies politick or corporate, who shall become purchaser or purchasers as aforesaid, (if any such be) and to his, her or their executors, administrators, successors and assigns respectively, upon such order or orders as aforesaid; it is hereby further enacted and declared by the authority aforesaid, That weekly or otherwise, as the monies appointed or intended by this act to be applied for or towards the said payments to grow due to him, her or them as aforesaid, shall from time to time be brought into the receipt of the exchequer, and shall or ought to be set apart for that purpose, such monies shall and may, from time to time, be issued upon such order or orders, for or towards discharging the said part or parts of the said annuities or yearly funds, which shall be purchased as aforesaid, and shall grow due at the end of that quarter of a year in which such issues or payments shall be made, so as such weekly or other payments do not exceed the sums, which shall grow due for or at the end of such quarter respectively.

Weekly payments to be made upon orders, &c.

X. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any body or bodies politick or corporate, who shall have purchased or agreed for any part or parts of the said annuities of the said *South-Sea* company as aforesaid, for better enabling themselves to pay for the same (if they shall see cause) to raise money, by opening books for taking in subscriptions from any person or persons (as well their own members as others) for the sale of their capital stock, created as aforesaid, or any part thereof, and the proportional part of the purchased annuities to attend the same, or by making any call or calls of money from the respective member or members of such body or bodies politick or corporate, proportionably to the shares which such members shall then have in the capital stock or stocks of the same, and by stopping and disposing the shares and dividends of such members, as shall make default in answering such call or calls, and applying the money so stopped or raised for the purpose aforesaid, or by borrowing money upon bonds, bills or obligations, under the common seal or seals of such body or bodies politick or corporate, or otherwise, as to them shall seem most meet and convenient; and every such body or bodies politick or corporate, is and are hereby enjoined and required to apply, or cause to be applied the monies so raised, for or towards paying or completing the payment of the purchase-money to the said *South-Sea* company, for such part or parts of their said annuities which shall be so purchased as aforesaid.

Purchasers of annuities may raise money by taking in subscriptions for sale of capital stock, &c.

XI. And it is hereby enacted, That the capital stock, which any person or persons, body or bodies politick or corporate, by and in pursuance of such agreement or agreements as aforesaid, and of this act, shall be intitled unto, and the said part or parts of the said annuities or yearly funds of the said *South-Sea* company, which shall be purchased as aforesaid, and are intended to attend the same, and the particular share and shares of any member

Capital stock, annuities and shares, to be deemed personal estates, and free of all taxes, &c.

Shares may be transferred or devised, &c.

ber of such body politick or corporate of and in the same, shall be, and be deemed and adjudged in law and equity, to be a personal and not a real estate, and shall be free from all taxes, charges and impositions whatsoever; and in case any body or bodies politick or corporate shall be entitled to the capital stock, to be ascertained pursuant to such agreement or agreements, and this act as aforesaid, then and in all and every such case and cases, the respective members of such body or bodies politick or corporate, who shall have any share or shares therein, shall or may assign and transfer such his, her or their share or shares, or any part thereof, in the book or books of the same body or bodies politick or corporate respectively, in such or the like method, manner and form, as are prescribed in and by any act or acts of parliament, charter or charters, now in force for assignments or transfers of original stock, to be made in the book or books of such body or bodies politick or corporate respectively, or shall or may dispose or devise the same, or any part thereof, by will, in such manner and form as any share in the original stock of such body or bodies politick or corporate is devisable; and that the part or parts of the said annuities of the said *South-Sea* company, which shall be purchased as aforesaid, by any person or persons (not being a body politick or corporate) or any part thereof, shall or may be assignable and assigned by any writing or writings under their hands and seals respectively, and such assignments over may be made *toties quoties*, so as such assignments be notified in the books of the auditor of the receipt of the exchequer for the time being, and shall or may be disposed or devised by will, so as every such will, within three months after the decease of every testator, be entred in the same office.

Persons employed for making agreements for sale, &c. not disabled to serve in parliament, &c.

XII. And be it enacted by the authority aforesaid, That no person who shall be employed in making any agreement for the sale or purchase of any part or parts of the said annuities of the *South-Sea* company, or in the management of the capital stock to be ascertained for the same, or of the annuity or annuities so to be purchased, or in raising the money to pay for the same, or otherwise, in the execution of this act, shall for that cause only, be disabled for serving as a member of parliament, or be liable to any penalty or disability for not qualifying himself to execute his trust pursuant to this act, as if it were an office or place of profit; and that no member of any body or bodies politick or corporate which shall be intitled to stock, pursuant to such agreement or agreements, and this act as aforesaid, shall in respect of his share or shares therein, be liable to be a bankrupt, within the meaning of any the statutes made concerning bankrupts, and the stock of such body or bodies politick or corporate, ascertained as aforesaid, shall not be liable to any foreign attachment, by the custom of *London*, or otherwise,

Person having stock, &c. not liable to bankruptcy, nor foreign attachment,

Purchasers to receive annuities till redemption by

XIII. And it is hereby declared and enacted by the authority aforesaid, That such person and persons, body or bodies politick or corporate, as shall purchase any part or parts of the said annuities of the said *South-Sea* company as aforesaid, his, her

or their executors, administrators, successors and assigns respectively, shall have, hold, receive and enjoy the same at the respective rates aforesaid, until the said part or parts so purchased shall be redeemed pursuant to this act; and any body or bodies politick or corporate purchasing such part or parts of the said annuities, or any part thereof, shall continue a corporation until such redemption of the part or parts of the same annuities which shall have been purchased by them.

South-Sea
company.

XIV. Provided always, That at any time after the feast of the nativity of Saint *John Baptist* one thousand seven hundred and twenty seven, upon repayment by parliament, to the person or persons, body or bodies politick or corporate who shall then be intitled to the said capital stock, in respect of the said part or parts of the said annuities which shall have been so purchased, of the whole sum whereof their capital stock in respect of the annuities so purchased shall then consist according to this act, without any deduction, defalcation or abatement whatsoever to be made out of the same, or any part thereof, and upon payment of all arrears which shall be then due at the respective rates aforesaid, or either of them, upon the said annuities which shall be so purchased, all which arrears (if any such be) shall be computed and paid to the quarterly feast-day then next preceding, and from thence shall be computed and paid by the day, till the time of such full payment made of the capital stock last mentioned, then the said part or parts of the said annuities which shall be purchased as aforesaid, shall from thenceforth cease and determine.

After 24 June
1727, upon re-
payment by
parliament of
capital stock,
and upon pay-
ment of ar-
rears, &c. an-
nuities to
cease.

XV. *And in regard it is intended that at any time or times after the said feast of the nativity of Saint John Baptist one thousand seven hundred and twenty seven, the principal or total sum of the capital stock, which shall then belong to any person or persons, body or bodies politick or corporate, in respect of any annuity or annuities to be purchased as aforesaid, may be satisfied by any payments, not being less than one eighth part thereof at a time, and that as the same principal shall be paid off, the said annuities which shall have been purchased as aforesaid, shall from time to time proportionably sink and be abated:* be it therefore further provided and enacted by the authority aforesaid, That at any time or times after the said feast of the nativity of Saint *John Baptist* one thousand seven hundred and twenty seven, upon repayment by parliament to the person or persons, body or bodies politick or corporate, who shall then be intitled to the capital stock in respect of the annuity or annuities which shall have been purchased as aforesaid, of any sum or sums of money (not being less than one eighth part thereof at a time) in part of the principal monies whereof the same capital stock shall consist, and upon payment of all arrears then due at the respective rates aforesaid, or either of them, for or upon the annuities so purchased, or so much of those arrears as shall bear a proportion to the principal sums, from time to time, remaining unsatisfied, being computed by the day, until the time of every such payment of part of the principal respectively; then, from

After 24 June
1727, on re-
payment of
part of princi-
pal, &c. (not
being less than
one eighth) a
proportional
part of annui-
ties to cease.

and

and after every such payment so made, so much of the said annuity or annuities which shall have been so purchased as aforesaid, as shall bear proportion to the monies so paid in part of the said principal, shall cease, determine and be abated; any thing in this or any former act or acts of parliament contained, or other matter or thing whatsoever to the contrary notwithstanding.

After redemption of annuities, the several duties hereby applied, &c. are redeemed by parliament, &c.

XVI. Provided also, and it is hereby further enacted, That from and after the redemption of the annuities which shall have been purchased as aforesaid, according to the several and respective provisoes or conditions of redemption in this act contained, then, and not till then, so much of the several duties, revenues and incomes as are by this act applicable thereunto during the continuance thereof, shall be understood to be redeemed by parliament, and shall not be issued, paid or applied to any use, intent or purpose whatsoever, without authority of parliament.

Capital stock remaining after 24 June 1727, redeemable by parliament, on payment of so much as the capital shall then consist of, &c.

XVII. Provided also, and it is hereby enacted by the authority aforesaid, That so much of the capital stock of the said South-Sea company as shall remain in that company after sale of such part or parts thereof, as shall be sold pursuant to this act (if any part thereof shall be so sold) shall, after the said feast of the nativity of Saint *John Baptist* one thousand seven hundred and twenty seven, be redeemable by parliament, upon payment of such sum and sums of money whereof their capital shall then consist, (exclusive of so much as shall have been sold by them pursuant to this act) and of all arrears of their annuities which shall then remain to them, and upon payment of the arrears of the yearly sums allowed to the said South-Sea company for charges of management; and that the redemption of their capital sum so remaining, shall or may be made upon payment by parliament at one time, or at several times (not being less than one million at a time) according to the powers of redemption contained in one act of parliament made in the sixth year of his Majesty's reign, in that behalf.

7 Geo. 1. stat. 2. c. 1. Clause for relief of persons intended to have the benefit of a late act touching payment of ten pounds per cent, &c.

XVIII. *And whereas the first moiety or half-part of the said rate of ten pounds per centum, for money borrowed of the said South-Sea company, was, by the before-mentioned act of the last session of parliament, limited to be paid on or before the twenty fifth day of December one thousand seven hundred and twenty one, and divers persons intended to be relieved by the last mentioned act, having lapsed the said time of payment, are thereby at present excluded from the benefit of the said act: for relief of the said persons, be it enacted by the authority aforesaid, That if any person or persons, intended to have the benefit of the said last mentioned act, and who have lapsed the said time of payment, or the respective heirs, executors or administrators of such persons, shall pay to the cashier of the said company for the time being, to and for the use of the said company, at their publick office in London, so much money as a moiety of the said ten pounds per centum, to be computed on the sums so respectively borrowed, as in the said*

act is expressed, shall amount to, on or before the twenty fifth day of *April* one thousand seven hundred and twenty two, with interest for the said moiety of the said ten pounds *per centum*, from the said twenty fifth day of *December* one thousand seven hundred and twenty one, then such person or persons shall, upon such payment made, or lawfully tendred, and being refused, and not otherwise, be entitled to the benefit of the last mentioned act, as fully as if such payment of the first moiety of the said ten pounds *per centum* had been duly made within the time limited by the said last mentioned act.

C A P. XXII.

An act to prevent the mischiefs by forging powers to transfer such stocks, or to receive such annuities or dividends as are therein mentioned, or by fraudulently personating the true owners thereof; and to rectify mistakes of the late managers for taking subscriptions for increasing the capital stock of the South-Sea company, and in the instruments founded thereupon.

WHEREAS of late divers frauds and abuses have been committed by forging and counterfeiting the hands of some of the proprietors of the shares of and in the capital stock and funds of such body or bodies politick or corporate, as are established by act or acts of parliament in that behalf, or some of them, or by forging or counterfeiting the hands of persons entitled to the dividends attending the said shares, or some of them, or by forging or counterfeiting the hands of persons entitled to annuities, in respect whereof the proprietors have transferrable shares in a capital stock or stocks established by act or acts of parliament, in proportion to their respective annuities; and divers frauds and abuses have been or may be committed by persons falsely and deceitfully personating the true and real proprietors of the said shares in stock, annuities and dividends, or some of them: now for the better preventing such pernicious practices for the future, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That if any person or persons whatsoever, from and after the first day of *March* one thousand seven hundred and twenty one, shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any letter of attorney, or other authority or instrument to transfer, assign, sell or convey any such share or shares, or any part of such share or shares of and in such capital stock or stocks as aforesaid, or any of them, or to receive any such annuity or annuities, dividend or dividends as aforesaid, or any of them, or any part thereof, or shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any the name or names of any the pro-
After 1 March 1721, forging letters of attorney, &c.
or counterfeiting names of proprietors, &c.

or falsely per-
sonating real
proprietors of
shares, &c. fe-
lony.
7Geo. 1. c. 22.

prietors of any such share or shares in stock, or of any the persons intitled to any such annuity or annuities, dividend or dividends as aforesaid, in or to any such pretended letter of attorney, instrument or authority, or shall knowingly and fraudulently demand, or endeavour to have any such share or shares in stock, or any part thereof, transferred, assigned, sold or conveyed, or such annuity or annuities, dividend or dividends, or any part thereof, to be received by virtue of any such counterfeit or forged letter of attorney, authority or instrument, or shall falsely and deceitfully personate any true and real proprietors of the said shares in stock, annuities and dividends, or any of them, or any part thereof, and thereby transferring or endeavouring to transfer the stock, or receiving or endeavouring to receive the money of such true and lawful proprietor, as if such offender were the true and lawful owner thereof, then and in every or any such case, all and every such person and persons (being thereof lawfully convicted in due form of law) shall be adjudged guilty of felony, and shall suffer as in cases of felony, without benefit of clergy.

8 Geo. 1. c. 7.

II. *And whereas by an instrument in writing, bearing date the ninth day of December one thousand seven hundred and twenty, under the hands and seals of the then commissioners of his Majesty's treasury, sundry principal sums therein mentioned, amounting together to eleven millions one hundred seventy two thousand five hundred ninety three pounds fifteen shillings and ten pence, were declared to be added to the capital stock of the South-Sea company; and in respect of such stock several yearly sums, making together five hundred thirty nine thousand thirty six pounds three shillings and eleven pence, were thereby declared to be added to the annuity or yearly fund of the said company, and to commence or take place from the feast of Saint Michael the archangel then last past: and whereas seven millions five hundred fifty eight thousand three hundred and fifteen pounds ten shillings and three pence, part of the said additional stock of eleven millions one hundred seventy two thousand five hundred ninety three pounds fifteen shillings and ten pence, was for principal sums subscribed into the said company the fifteenth day of October one thousand seven hundred and twenty, for which an annuity at the rate of five pounds per centum per annum, was payable at the bank of England, by virtue of an act of the third year of his Majesty's reign, according to one duplicate of a book of subscriptions, signed and attested by three of the late managers for taking such subscriptions, as in the said instrument is more fully and at large set forth: and whereas it is evident, That the said principal sum of seven millions five hundred fifty eight thousand three hundred fifteen pounds ten shillings and three pence was a mistaken principal sum, for that the said late managers, or those employed under them, in bringing over the totals of sundry pages in the said duplicate-book, to make one total at the end thereof, had omitted to bring over a subscription of two thousand pounds contained in the said book under the letter B, (page thirty three) and several subscriptions under the letter M, beginning page thirty three and ending page forty, and the subscriptions so omitted to be brought over, do amount to sixty*

*sixty seven thousand eight hundred thirty one pounds six shillings and ten pences; and by means of the said mistake, the said company have had less additional stock and additional annuity declared by the said instrument than they ought to have had; that is to say, sixty seven thousand eight hundred thirty one pounds six shillings and ten pence in stock, and three thousand three hundred and ninety one pounds eleven shillings and four pence less in additional annuity for that stock, which annuity was to commence and take effect, in point of payment, from the feast of Saint Michael the Archangel one thousand seven hundred and twenty as aforesaid: Now for rectifying the said mistakes, and to the end the said company may have and enjoy so much as is their right; be it further enacted by the authority aforesaid, That the commissioners of his Majesty's treasury, or any three or more of them, or the high treasurer for the time being, shall and may rectify the mistakes or errors committed as aforesaid, by any new instrument or instruments under their hands and seals, thereby declaring, settling and determining, that the principal sums, amounting to the said sum of sixty seven thousand eight hundred thirty one pounds six shillings and ten pence, are and shall be added to the present capital or joint stock of the said company; and that the yearly sum of three thousand three hundred ninety one pounds eleven shillings and four pence, being computed at the rate of five pounds *per centum* on the said principal sum of sixty seven thousand eight hundred thirty one pounds six shillings and ten pence, is and shall be added in respect of such their additional stock, to the present annuity or yearly fund of the said company, and shall commence and take effect from the said feast of Saint Michael the archangel one thousand seven hundred and twenty, and continue and be payable for such time and times, and in such manner and form, and out of such particular duties, rates, revenues and other provisions as in and by the act of the sixth year of his Majesty's reign were prescribed or intended, in case such mistakes had not been made, and subject to such reduction, powers of redemption, conditions, restrictions and other matters and things as in and by the same act, or any other act now in force, were provided or intended touching or concerning the same; and the said commissioners of the treasury, or high treasurer for the time being, by such their instrument or instruments in writing, shall and may declare, settle and determine, that every member of the said company in proportion to his, her or their respective shares in the capital stock thereof, increased by such addition, hath and shall have credit in the books of the said company, for his, her or their proportion or share, of and in the whole capital stock so increased, according to the true meaning of the act or acts of parliament in that behalf.*

Treasury to rectify mistakes in South-Sea books, &c.

Treasury, by instrument in writing, to determine shares, &c.

III. *And whereas by an instrument in writing, bearing date the twenty eighth day of September one thousand seven hundred and twenty, under the hands and seals of the then commissioners of his Majesty's treasury, amongst other matters and things therein contained, several sums, amounting to eight millions five hundred fifty thousand*

thousand six hundred and eighteen pounds fifteen shillings, were declared to be added to the capital stock of the said company, and in respect of such stock, several yearly sums, making together four hundred twenty seven thousand five hundred and eighty pounds eighteen shillings and nine pence, after the rate of five pounds per centum, were thereby declared to be added to the annuity or yearly fund of the said company, to commence and take effect from the feast of the annunciation of the blessed Virgin Mary then last past, according to a duplicate of a book of subscriptions made on the twenty third day of June one thousand seven hundred and twenty, signed and attested by three of the late managers for taking in such subscriptions, as in the said instrument is more fully and at large set forth: and whereas it is evident, that the said principal sum of eight millions five hundred fifty one thousand six hundred eighteen pounds and fifteen shillings was a mistaken principal sum, for that the said late managers and directors, or those employed under them, did in one of their duplicates, containing part of the said eight millions five hundred fifty one thousand six hundred eighteen pounds and fifteen shillings, and the annuity to be paid to the said company thereupon (page eighty) insert a subscribed annuity of Sir Harcourt Maiter, as if the same had been forty five pounds per annum, and a credit was taken therein of nine hundred pounds stock for the same, although in truth the annuity which he actually subscribed, was no more than twenty five pounds per annum, and the company's stock for the same should have been no more than five hundred pounds, and the addition which ought to have been made to the said company's annuity or yearly fund in respect thereof, ought to have been twenty five pounds per annum, and no more: now for rectifying the mistake last mentioned, which tends to the wrong and prejudice of the publick, and to the end the publick may have right done in respect thereof, be it further enacted by the authority aforesaid, That the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer for the time being, shall and may, by any proper memorandum or memorandums, to be endorsed or made upon the said instrument, dated the twenty eighth day of September one thousand seven hundred and twenty, and upon the subscription-books, wherein the errors or mistakes last mentioned are inserted or comprehended, cause the sum of four hundred pounds, part of the said capital sum of eight millions five hundred fifty one thousand six hundred eighteen pounds and fifteen shillings, and twenty pounds per annum, part of the said sum of four hundred twenty seven thousand five hundred eighty pounds eighteen shillings and nine pence per annum, to be abated and sunk from the feast of the annunciation of the blessed Virgin Mary one thousand seven hundred and twenty; and if any payment of the said sum of twenty pounds per annum has been received by the said company at the exchequer, it is hereby enacted, That the money so received shall be repaid into his Majesty's exchequer, or be stopp'd and refunded out of the next payment to be there made to the said company.

Treasury by memorandums endorsed, &c. may cause 400 l. part of the capital of 8,551,618l. 15s. and 20l. per annum, part of 427,580l. 18s. 9d. per ann. to be abated from 25 March 1720.

Money received, to be repaid into the exchequer.

IV. And whereas it doth or may hereafter appear, that several o-
ther

other mistakes and errors have been or may have been committed in the duplicates of the subscription-books, transmitted to the commissioners of his Majesty's treasury for the time being, by the late or present managers for taking such subscriptions, or in the instruments of the commissioners of his Majesty's treasury founded thereupon, in some cases to the wrong and prejudice of the said company, and in other cases to the prejudice of the publick: be it therefore further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of his Majesty's treasury, or any three or more of them, or the high treasurer for the time being, to inspect and examine any the duplicates which were transmitted by the present or late managers for taking any subscriptions for increasing the capital stock of the said company, and if they or he shall find any errors or mistakes therein to the prejudice of the said company or of the publick, to rectify the same, by making additions to the stock and annuity of the said company, or by making subtractions from the same, as the case may require, in such or the like manner as by this act is prescribed for rectifying the several errors and mistakes above in this act particularly mentioned and expressed.

C A P. XXIII.

An act for prolonging the times for bearing and determining claims before the trustees, in whom the estates of the late South-Sea directors, and of John Aislaby, esquire, and likewise of James Craggs, esquire, deceased, are vested, and for other purposes therein mentioned.

I. **W**HEREAS by an act of parliament passed in the seventh year of his Majesty's reign, intituled, An act for raising money upon the estates of the late sub-governor, deputy-governor, directors, cashier, deputy-cashier, and accountant of the South-Sea company, and of John Aislaby, Esquire, and likewise of James Craggs sen. esquire, deceased, towards making good the great loss and damage, sustained by the said company; and for disabling such of the said persons as are living to hold any office or place of trust under the crown, or to sit or vote in parliament for the future; and for other purposes in the said act expressed: it is enacted (amongst other things) That all and every the real estate and estates whatsoever, and of what nature or kind soever, and all rights of action, uses, trusts, powers and authorities whatsoever, and all and every the share and shares in the capital stock or stocks of any corporation, company or society, and all money due upon any account or accounts balanced or to be balanced, and all other debts and securities for debts, and all ready monies, goods, merchandizes, personal estate and effects whatsoever, of what nature or kind soever, which Sir John Fellows, baronet, late sub-governor, Charles Joye, esquire, late deputy-governor, and William Astell, esquire, Sir Lambert Blackwell, baronet, Sir John Blunt, baronet, Sir Robert Chaplain, baronet, Sir William Chapman, knight and baronet, Robert Chester, esquire, Stephen Child, esquire, Peter

Delaport, *esquire*, Francis Eyles, *esquire*, James Edmondson, *esquire*, Edward Gibbon, *esquire*, John Gore, *esquire*, Sir William Hammond, *knight*, Francis Hawes, *esquire*, Richard Horsey, *esquire*, Richard Houlditch, *esquire*, Sir Theodore Janssen, *knight and baronet*, Sir Jacob Jacobson, *knight*, Arthur Ingram, *esquire*, Sir John Lambert, *baronet*, Sir Harcourt Master, *knight*, William Morley, *esquire*, Ambrose Page, *esquire*, colonel Hugh Raymond, Samuel Read junior, *esquire*, Thomas Reynolds, *esquire*, Jacob Sawbridge, *esquire*, William Tillard, *esquire*, and John Turner, *esquire*, late directors of the corporation of the governor and company of merchants of Great Britain trading to the South-Seas, and other parts of America, and for encouraging the fishery, commonly called the South-Sea company, in the said act named, and also Robert Knight late treasurer or cashier, Robert Surman late deputy-cashier, John Grigby late accountant to the said corporation, and John Aillabie, *esquire*, every or any of them, or any in trust for them, every or any of them, upon the first day of June anno Domini one thousand seven hundred and twenty, or at any time or times afterwards, or which James Craggs the elder, *esquire*, deceased, or any person or persons in trust for him at the time of his death, was or were seized or possessed of, or interested in, or entitled unto, in law or equity in their or any of their own rights, or to his or their own use or uses, or in partnership with any other (except as in the said act is afterwards excepted) were, by force and virtue of the said act, vested and settled in Sir John Eyles baronet, Sir Thomas Crols baronet, John Rudge, Matthew Lant, Roger Hudson, *esquires*, now Sir Roger Hudson *knight*, Edmund Halsey, John Lade, Gabriel Roberts, and Richard Hopkins, *esquires*, now Sir Richard Hopkins *knight*, thereby nominated and appointed trustees for the uses and purposes in the said act expressed of and concerning the same, and the heirs, executors, administrators and assigns of the same trustees, from the respective times in the said act named, to the intent the same might be sold and disposed of, or otherwise applied to and for the uses and purposes in the said act expressed concerning the same, and that the clear monies arising thereby, should be appropriated to and for the use of the South-Sea company, in such manner as is therein mentioned: and it is thereby enacted, That the entries of such claims, as by the said act are directed, by or for any persons or corporations in Great Britain, should or might be made at any time before the twenty-fifth day of December one thousand seven hundred and twenty one, and by and before any person or persons residing or being beyond the seas, or out of Great Britain, should and might be made at any time before the twenty fifth day of March one thousand seven hundred and twenty two: and whereas in and by the said act it is further enacted, That the said trustees, or any three or more of them, should and might inquire and inform themselves, by or upon the testimony of witnesses upon oath, or by the examination of the persons making such claims upon oath (all which oaths they, or any one or more of them, had thereby power to administer) or by the inspection of any mortgages, bonds, bills, notes, or other securities, or any accounts relating to the said debts, or any of them so claimed, or by inspection of any grants, gifts, settle-

ments, conveyances, transfers, or assurances relating to the said estates, interests, or incumbrances so claimed, or any of them, or by all or any of the said ways and means, or otherwise, according to their discretions, as soon as conveniently might be, touching all or any of the debts, estates, interests, or incumbrances so claimed, and should make a report or reports in writing of their proceedings therein, with their opinions thereon, from time to time, to the court of directors of the said South-Sea company for the time being; and if the said court of directors for the time being should be satisfied in the justice of such claim or claims, or that any debt or sum of money ought to be paid thereupon, or that the estate, interest, or incumbrance so claimed, or any part thereof, ought to be allowed, and shall declare their satisfaction therein, by any resolution or resolutions of that court; and if the party or parties, by or for whom such claim should be made, should likewise, in a book or books to be kept in the said trustees publick office for that purpose, declare in writing under his, her or their hands, his, her or their acquiescence in such resolution or resolutions of the said court of directors for the time being, touching his, her or their debt, estate, interest, or incumbrance so claimed, at any time or times before the first day of August one thousand seven hundred and twenty two, then in all and every such case and cases the said trustees, or any three or more of them, should give warrant for the payment and discharge of every such debt or sum of money so liquidated or adjusted, out of such monies as should come to the hands of the cashier of the said South-Sea company for the time being, for the purposes in the said act expressed: and it was by the said act further enacted, That the justices of the courts of King's bench and common pleas, and the barons of the coif of the exchequer for the time being, or any three or more of them, sitting at the same time and place, and not otherwise, should, and they were thereby authorized, from time to time, to hear and determine all differences, disputes and controversies touching or concerning any debts, estates, interests, or incumbrances, which should be claimed within the respective times therein before limited for making such claims, and could not or should not be liquidated or adjusted between the said court of directors for the time being, and the respective claimants within the time before limited in that behalf, and all incidents relating thereunto, in such manner, as by the said act is directed: and by the said act it is enacted, ^{7Geo.1. Stat. c. 23.} That the said justices and barons, or any three or more of them, upon a complaint to be made by or for any claimant of any such debt, estate, interest, or incumbrance, whose claims should not be liquidated or adjusted as aforesaid, (so as such complaint be made on or before the five and twentieth day of December one thousand seven hundred and twenty two) should proceed in such manner as by the said act is directed; and the said justices and barons, or any three or more of them, in all cases where they should find that any debt or sum of money ought to be paid to such claimant upon such claims, or that the estate, interest, or incumbrance so claimed, or any part thereof ought to be allowed, should and might, at any time or times before the twenty fifth day of March one thousand seven hundred and twenty three, transmit a certificate or certificates thereof to the said trustees in the

said act nominated: and by the said act it is provided and enacted, That the powers given by the said act to the said justices and barons, for hearing and determining such differences, disputes and controversies relating to such claims as aforesaid, and issuing their certificates concerning the same as aforesaid, should continue and be in force until the twenty fifth day of March one thousand seven hundred twenty and three, and no longer: now forasmuch as it is foreseen, that the claims already brought in and entered, and which may be brought in and entered, in pursuance of the said recited act, cannot be heard and determined as aforesaid, and that the powers thereto relating cannot be executed within the respective times limited in that behalf, and that further time ought to be given for hearing and determining such claims in manner as aforesaid, and also for better enabling the trustees to execute the trust in and by the said recited act in them vested; may it please your most excellent Majesty, that it may be enacted, &c.

Time for claimants acquiescence in the resolution of directors, &c. enlarged to 24 March 1722. For determining claims not adjusted, enlarged to 24 June 1723. For barons to transmit certificates, till 29 September 1723. Trustees may compound with partners or joint-dealers of the late directors. Monies payable upon agreement, &c. to be paid to the cashier of the South-Sea company. Estates of the late directors upon which claims shall be made, &c. may be sold. Monies arising by sale, to be paid to *Cestui que Trust*, &c. Or in case of infancy, &c. of *Cestui que Trust*, then to such persons as the chancery shall direct. Grants, &c. by trustees effectual in law. Trustees may take bonds, &c. of the company in payment at par, and stock from purchaser, &c. at such price as shall be agreed upon between them, &c. Allowance of interest to the late directors, &c. for their subsistence. No special bail required in actions on contracts, &c. made since 1 December 1719, and before 1 December 1720, for sale of stock, &c. till 1 March 1722. EXP.

CAP. XXIV.

An act for the more effectual suppressing of piracy.

WHEREAS the number of persons committing piracies, felonies and robberies upon the seas, is of late very much increased; and notwithstanding the laws already made and now in being, many idle and profligate persons have turned pirates, and betaken themselves to that wicked course of life, whereby the trade and navigation into remote parts will greatly suffer, unless some further provision be speedily made for bringing such persons, and all others, who shall be any ways aiding and assisting, or in confederacy with them, to condign punishment; be it therefore declared and enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That if any commander or master of any ship or vessel, or any other person or persons, shall from and after the twenty fifth day of *March* which shall be in the year of our Lord one thousand seven hundred and twenty two, any wise trade with any pirate, by truck, barter, exchange, or in any other manner, or shall furnish any pirate, felon or robber upon the seas, with any ammunition, provision or stores of any kind, or shall **be**

After March 25, 1722. commanders of ships or others, trading with pirates, furnishing them with stores, corresponding with them, &c.

out

out any ship or vessel knowingly, and with a design to trade with, or supply, or correspond with any pirate, felon or robber upon the seas, or if any person or persons shall any ways consult, combine, confederate or correspond with any pirate, felon or robber on the seas, knowing him to be guilty of any such piracy, felony or robbery, such offender and offenders and every of them, shall in each and every of the said cases be deemed, adjudged and taken to be guilty of piracy, felony and robbery, and he and they shall and may be inquired of, tried, heard and adjudged of and for all or any the matters aforesaid, according to the statute made in the twenty eighth year of King *Henry the Eighth* for pirates, and the statute made in the eleventh and twelfth years of the reign of his late majesty King *William the Third*, intituled, *An act for the more effectual suppressing of piracy*, which by an act made in the sixth year of his present Majesty is made perpetual, and he and they being convicted of all or any the matters aforesaid, shall suffer such pains of death, loss of lands, goods and chattels, as pirates, felons and robbers upon the seas, ought to suffer; and in case any person or persons belonging to any ship or vessel whatsoever, upon meeting any merchant-ship or vessel on the high seas, or in any port, haven or creek whatsoever, shall forcibly board or enter into such ship or vessel, and though they do not seize and carry off such ship or vessel, shall throw over-board, or destroy any part of the goods or merchandizes belonging to such ship or vessel, the person or persons who shall be guilty thereof, shall in all respects be deemed and punished as pirates as aforesaid.

II. And be it further enacted by the authority aforesaid, That every ship or vessel which shall be fitted out with a design to trade with, or supply, or correspond with any pirate, and all and every goods and merchandizes put on board the same for any intent or purpose to trade with any pirate, felon or robber on the seas, shall be *ipso facto* forfeited; one moiety thereof to the use of the King's majesty, his heirs and successors, the other moiety to the person or persons who shall first make discovery, and give information of such intent or design; and such person or persons who shall first make such discovery, shall and may sue for and recover the said ship or vessel, and all and every the goods and merchandizes on board the same, in the high court of admiralty.

III. And whereas there are some defects in the laws for bringing persons, who are accessaries to piracy and robbery upon the seas, to condign punishment, if the principal who committed such piracy and robbery, is not or cannot be apprehended and brought to justice; be it therefore enacted by the authority aforesaid, That all and every person and persons whatsoever, who by the said statute made in the eleventh and twelfth years of the reign of King *William the Third*, are declared to be accessary or accessaries to any piracy or robbery therein mentioned, are hereby declared, and shall be deemed and taken to be principal pirates, felons and robbers, and shall and may, from and after the said twenty fifth day of

Persons be-
judged guilty
of piracy, &c.
according to
the 28 H. 8.
c. 15. and 12
& 12 W. 3.
c. 7.
See 18 Geo. 2,
c. 30.

Persons be-
longing to any
vessel, forcibly
boarding any
merchant-
ship, and
throwing any
goods over-
board, shall be
punished as
pirates.

Ships fitted
out to trade
with pirates,
and the goods
forfeited, half
to the crown,
half to the dis-
coverers.

To be sued for
in the admi-
ralty.

Persons de-
clared accessa-
ries to piracy
by 11 & 12 W.
3. c. 7. shall be
deemed prin-
cipals, and
after March
25, 1722. suffe-
re such.

March one thousand seven hundred and twenty two, be inquired of, heard, determined and adjudged, in the same manner as persons guilty of piracy and robbery may and ought to be inquired of, tried, heard, determined and adjudged by the said statute made in the eleventh and twelfth years of his late majesty King *William*, and being thereupon attainted and convicted, shall suffer such pains of death, loss of lands, goods and chattels, and in like manner as pirates and robbers ought by the said act to suffer.

Offenders convicted on this act, excluded the benefit of clergy.

IV. And be it further enacted by the authority aforesaid, That all and every offender or offenders convicted of any piracy, felony or robbery by virtue of this act, shall not be admitted to have the benefit of clergy, but be utterly excluded of and from the same,

Seamen maimed in fight against pirates, shall receive the rewards in 22 & 23 Car. 2. c. 11. and be admitted into Greenwich Hospital.

V. And to the end that a further encouragement may be given to all seamen and mariners to fight and defend their ships from pirates, be it enacted by the authority aforesaid, That in case any seaman or mariner on board any merchant-ship or vessel, or any other ship or vessel, shall be maimed in fight against any pirate, every such seaman and mariner, upon due proof of his being maimed in such fight, shall not only have and receive the rewards already appointed by a statute made in the twenty second and twenty third years of the reign of King *Charles* the Second, intituled, *An act to prevent the dettivering up of merchant-ships, and for the increase of good and serviceable seamen*, but shall also be admitted into and provided for in *Greenwich Hospital*, preferable to any other seaman or mariner who is disabled from service or getting a livelihood merely by his age,

Masters or seamen not defending themselves against pirates, or who shall utter any discouraging words, shall, if the ship be taken, forfeit their wages to the owners, and suffer six months imprisonment.

VI. And be it further enacted by the authority aforesaid, That in case any commander, master, or other officer, or any seaman or mariner of any merchant-ship or vessel which carries guns and arms, shall not when they are attacked by any pirate, or by any ship or vessel on which any such pirate is on board, fight and endeavour to defend themselves, and their said ship or vessel from being taken by the said pirate, or shall utter any words to discourage the other mariners from defending the ship, and by reason thereof the said ship or vessel shall fall into the hands of such pirate, then and in every such case every such commander or master, or other officer, and every seaman or mariner, who shall not fight and endeavour to defend and save the said ship or vessel, or who shall utter any such words as aforesaid, shall lose and forfeit all and every part of the wages due to him and them respectively, to the owner and owners of the said ship or vessel, and shall not be permitted to sue for or recover the same, or any part thereof, in any court either of law or equity, and as a farther punishment shall suffer six months imprisonment.

Masters shall not advance to any seaman above half his wages, while

VII. *And for prevention of seamen or mariners deserting merchant-ships or vessels abroad in the plantations, or in any other parts beyond the seas, which is the chief occasion of their turning pirates, and of great detriment to trade and navigation, and is chiefly occasioned*

soned by the owner or owners of ships or vessels, paying wages to the seamen or mariners when abroad: be it enacted by the authority aforesaid, That no master or owner of any merchant-ship or vessel shall pay or advance, or cause to be paid or advanced to any seaman or mariner, during the time he shall be in parts beyond the seas, any money or effects upon account of wages, exceeding one moiety of the wages which shall be due at the time of such payment, until such ship or vessel shall return to Great Britain or Ireland, or the plantations, or to some other of his Majesty's dominions whereto they belong, and from whence they were first fitted out; and if any such master or owner of such merchant-ship or vessel shall pay or advance, or cause to be paid or advanced, any wages to any seaman or mariner above the said moiety, such master or owner shall forfeit and pay double the money he shall so pay or advance, to be recovered in the high court of admiralty, by any person who shall first discover and inform of the same.

VIII. *And whereas great interruptions and inconveniencies may attend his Majesty's service, by the captains or commanders, or other officers of his Majesty's ships or vessels of war, their receiving on board such ships or vessels goods and merchandizes, and trading therewith contrary to instructions, which strictly forbid their doing the same: to prevent therefore the said interruptions and inconveniencies for the future, be it enacted by the authority aforesaid, That in case any captain, commander, or other officer of any of his Majesty's ships or vessels of war, whether such ship or vessel shall be employed at home or abroad, shall from and after the twenty ninth day of September in the year of our Lord one thousand seven hundred and twenty two, receive on board, or permit to be received on board, such ship or vessel of war, any goods or merchandizes whatsoever, in order to trade or merchandize with the same, either upon his own or any other person's account, except gold, silver or jewels, and except the goods or merchandizes belonging to any merchant-ship or vessel which may be shipwrecked, or in imminent danger of being shipwrecked either on the high seas, or in any port, creek or harbour, within his Majesty's dominions at home or abroad, or elsewhere, in order to the preserving them for their proper owners; and except such goods or merchandizes as they shall at any time be ordered to take or receive on board, by order of the lord high admiral of Great Britain, or the commissioners for executing that office for the time being, or any three or more of them; every such captain, commander or officer of any of his Majesty's ships or vessels of war so offending, shall upon his being convicted thereof by a court martial, lose and forfeit the command and office he then shall have in the said ship or vessel of war, and shall be, and he is hereby for ever afterwards rendered incapable to serve any longer in the same, or in any other place or office in the naval service of his Majesty, his heirs and successors; and such captain, commander, or other officer offending as aforesaid, shall as a further punishment for his said offence,*

beyond sea, on forfeiture of double the sum advanced, to be recovered in the admiralty by the informer.

Commander of a man of war, who after Sept. 29, 1722, shall receive any goods on board, except gold, silver, &c. shall forfeit his command, be incapacitated, and lose his wages. So much of this clause, as directs the punishment to be inflicted by a court martial on any captain or other officer, is repealed by 22 Geo. 2. c. 33.

lose and forfeit to his Majesty, his heirs and successors, all the wages due to him for his service in the ship or vessel of war whereunto he shall belong, when or at any time after such offence shall be committed.

Such commander and the proprietors of the goods shall forfeit the value thereof, to the discoverer, and Greenwich Hospital. To be recovered in the admiralty.

To extend to Asia, &c. To be taken as a publick act, and be in force for seven years, &c.

IX. And be it further enacted, That the said captain commander, or other officer of the said ship or vessel of war, and all and every the owners and proprietors of such goods or merchandizes put on board such ship or vessel of war as aforesaid, shall lose, forfeit and pay the value of all and every such goods and merchandizes so put on board as aforesaid; one moiety of such full value to such person or persons as shall make the first discovery and give information of or concerning the said offence, the other moiety of such full value to and for the use of *Greenwich Hospital*, all which forfeitures shall and may be sued for and recovered in the high court of admiralty.

X. And be it also enacted, That this act shall extend to all his Majesty's dominions in *Asia*, *Africa* and *Amerjca*, and shall be taken as a publick act, and shall continue in force for seven years, and from the twenty-fifth day of *March* one thousand seven hundred and twenty two, and from thence to the end of the then next session of parliament. *Made perpetual by 2 Geo. 2. c. 28. sect. 7.*

C A P. XXV.

An act for supplying some defects in the statute of the twenty third of King Henry the Eighth, intituled, An act for obligations to be taken by two chief justices, the mayor of the staple, and the recorder of London, and for setting down the time of signing judgments in the principality of Wales, and counties palatine.

23 H. 8. c. 6.

In what manner the rolls appointed by 23 H. 8. c. 6. to be made of recognizances in the nature of a statute-staple, after March 25. 1722. shall be varied.

WHEREAS recognizances in the nature of a statute-staple, which are by the statute of the twenty third of King Henry the Eighth, appointed to be taken by the two chief justices, the mayor of the staple, and the recorder of London, are common and beneficial securities; but in regard the same are liable to damage and loss that may happen by fire, and otherwise, and by reason of difficulties arising by defects in the said statute, great inconveniencies do accrue to his Majesty's subjects: for remedy thereof, and for making the said security more effectual, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of *March* which shall be in the year of our Lord one thousand seven hundred and twenty two, the rolls appointed by the said recited statute to be made of such recognizances, shall be varied and made in manner following; (that is to say) The clerk of the said recognizances for the time being, or his deputy, shall yearly from thenceforth prepare and keep three parchment-rolls as usual, and shall at the times of acknowledging of every such recognizance, fairly write

or ingross, instead of the heads or contents thereof, on the said rolls, the full tenor, *in hæc verba*, of every such recognizance; and that one of the said rolls shall contain all the recognizances to be taken before the chief justice of the King's bench for the time being; and one other of them shall contain all the recognizances to be taken before the chief justice of the court of common pleas for the time being; and the other of them shall contain all the recognizances before the mayor of the staple at *Westminster* and recorder of *London* for the time being; and that at the time of every such acknowledgment the respective persons, before whom such recognizances shall be taken, and also the party and parties acknowledging the same, shall also sign their respective names to the roll or inrolment of every recognizance so taken under the inrolment thereof, as well as sign and seal the same recognizance; and that all the said three rolls so signed shall at the end of every year be fixed together, and be thereby made one roll, as accustomed, and be and remain in the custody of the clerk of the recognizances, or his deputy, in his publick office in *London* or *Middlesex*, who shall keep a docket to refer to the said roll or rolls, for the benefit of searches by purchasers and others (as used to be) to which docket also shall be added the day, month and year of every such acknowledgment.

Clerk of the recognizances to keep a docket for searches.

II. And be it further enacted by the authority aforesaid, That in case any loss or damage shall happen to any such recognizance, the same shall and may, from any of the said rolls, so to be kept in the custody of the said clerk, or his deputy, in order to have process thereon, be by him or them, by certificate under his or their seal, certified into chancery in like manner as recognizances by the said recited act are directed, and as if the said recognizance had not been lost or damaged; and that to such certificate, and all other certificates of such recognizances, shall be annexed a true transcript of the entry of such recognizance to be taken from the said roll or rolls in his or their custody; and further, that in case of any such loss or damage, a like certificate, with such transcript annexed as aforesaid, shall be made, and be left and remain with the clerk of the petty-bag-office in chancery, and shall be as good and effectual as if the said recognizance under seal had been left in the same office, as hath been used upon the issuing out of process in the same office; and that in order to prove such statutes and recognizances, in case of any such loss or damage, a true copy or copies from the said roll or rolls, in the custody of the said clerk, or his deputy, made and signed by the said clerk or his deputy, and duly proved, shall be deemed good evidence of such recognizances, and be of the same validity, to all intents and purposes, as if the said original recognizances were produced under seal.

Any loss happening to such recognizance, shall be certified by the clerk, or his deputy, into chancery.

23 H. 8. c. 6. A transcript of the entry to be annexed to such certificate;

and in case of loss, a copy from the roll, signed, &c. shall be good evidence of such statute.

III. And whereas by the said statute of the twenty third of King Henry the Eighth, there was due to his Majesty a fee of one half-penny in the pound (according to the value or sum entered into and contained in every such recognizance) to be paid on sealing the first process

23 H. 8. c. 6. The prosecutor shall deliver into the office a note

testifying the sum intended to be extended.

One halfpenny per pound only, to be taken as poundage.

In what cases the chancery may award re-extents.

No sheriff shall take more fees than are appointed by the act 3 Geo. 1. c. 15. sect. 16.

process on every such recognizance, as in the said act is appointed, which is very heavy on every prosecutor on every such recognizance, by reason such sum so entred into, is sometimes only intended as a penalty for the payment of a lesser sum, or for securing damages for the non-performance of covenants, or otherwise; and whereas the fees and charges taken or demanded by sheriffs in getting an extent & execution, and Liberate and possession or seisin, executed on every such recognizance, are very expensive, in regard the same are not settled: for remedy in all and every the said cases, be it further enacted by the authority aforesaid, That the prosecutor of every such recognizance shall, at the time of suing out the first process, or a writ of extent thereon, deliver in to the officer (who shall make out such process or extent) a note in writing under his hand, testifying the sum or value of the damages thereby intended to be extended or levied thereon, which sum or value the said officer shall insert in the said writ to be only extended or levied thereon, and no more; and that the said poundage of one halfpenny payable on all process as aforesaid, shall be taken and paid only for every pound, according to the said sum or value so inserted, and intended to be extended or levied as aforesaid, and not otherwise.

IV. Provided always, and it is hereby further enacted by the authority aforesaid, That in case it shall, at any time or times, before or after the filing or returning of any *Liberate* or *Liberates* sued out on any such extent or extents, be made appear to the court of chancery, that sufficient has not been extended and levied, or sufficiently extended and levied, to satisfy such recognizance, or that any omission, error or mistake has happened in making, suing out, executing or returning any of the said writs, or any process thereupon; or should it happen that any lands, tenements or hereditaments, shall hereafter be evicted from any person or persons, who shall have extended the same by virtue of any such writ or process as aforesaid; that then and in every such case the said court of chancery shall and may award one or more re-extent or re-extents for the satisfying the same as aforesaid, and that writs of *Liberate* or *Liberates* may be sued out thereupon; any law or statute to the contrary thereof in any wise notwithstanding.

V. And be it further enacted by the authority aforesaid, That no sheriff of any county shall take for the extent and *Liberate*, and *Habere facias possessionem* or *Seisinam*, on the real estate, and levy on the personal estate, by virtue of such extent, any more than the same fees as are appointed by an act made in the third year of his present Majesty's reign, intituled, *An act for the better regulating the office of sheriffs, and for ascertaining their fees, and the fees for suing out their patents and passing their accounts*, for executing a writ of *Elegit* and *Habere facias possessionem* or *Seisinam*, under the like penalties and forfeitures, and to be in like manner recovered against every sheriff or person therein offending, as the same are mentioned and appointed in and by the same act.

VI. And

VI. *And whereas the provision which by an act of parliament made in the twenty ninth year of the reign of King Charles the Second, intituled, An act for prevention of frauds and perjuries, was made for setting down the day of the month and year of signing judgments in his Majesty's courts of Westminster hath proved very beneficial to purchasers, but hath not yet been extended to the courts of the principality of Wales, or of the counties palatine: be it therefore enacted by the authority aforesaid, That from and after the twenty fourth day of June one thousand seven hundred and twenty two, any judge or officer of any of the courts of great session in the principality of Wales, or courts of session in the counties palatine of Chester, Lancaster and Durham, that shall sign any judgments, shall at the signing the same, without fee for doing the same, set down the day of the month and year of his so doing, upon the paper-book, docket or record which he shall sign, which day of the month and year shall be also entred upon the margin of the roll of the record where the said judgment shall be entred, and that such judgments, as against purchasers bona fide for valuable consideration of lands, tenements or hereditaments to be charged thereby, shall in consideration of law, be judgments only from such times as they shall be so signed, and shall not relate to the first day of the session whereof they are entred, or the day of the return of the original or filing the bail; any law, usage or course of any court to the contrary notwithstanding.*

29 Car. 2. c. 3.
sect. 14.

How judgment shall be signed in the courts of the grand session in Wales, and in the courts of session in the counties palatine, and from what time they shall relate.

CAP. XXVI.

An act for better supplying the city and liberties of Westminster, and parts adjacent, with water.

WHEREAS by reason of the great increase of buildings and inhabitants in about the city of Westminster, the liberty thereof, and divers other places in the county of Middlesex, there are greater occasions for water, for the safety and necessary uses of the said inhabitants, than are supplied by the water-works now in being, and for want thereof, many great and dangerous inconveniencies do happen which would be remedied, and great advantages accrue, if new waterworks were erected in convenient places for providing and supplying the said inhabitants with good and wholesome water from the river Thames, by one or more cut or cuts to be made at any convenient place or places between the grounds belonging to the royal hospital at Chelsea, and the houses or grounds, commonly called the Neat Houses, in the county of Middlesex, into canals and ponds proper for receiving the same; and from thence to convey and raise such water into convenient reservatories, to be erected or made at any place or places between the places called Oliver's Mount and Hyde Park, for the purposes of this act: may it therefore please your most excellent Majesty, That it may be enacted, &c.

Commissioners appointed for supplying the city and liberties of Westminster, and parts adjacent with water from the Chelsea Waterworks. Persons interrupting, pulling down, &c. the waterworks, shall forfeit to the com-

commissioners treble damages, &c. The crown may by letters patents incorporate the Commissioners, who may purchase lands not exceeding 1000 l. per annum. The crown may likewise by letters patents empower them to make by-laws, and inflict penalties for the breach thereof. The commissioners may maintain and cleanse their watercourses, make new ponds, &c. Persons casting into the watercourses, &c. any filth, &c. or doing other annoyance thereto, shall forfeit 40 s. with double damages and full costs of suit. Commissioners, before they intermeddle with any lands, &c. shall first agree with the proprietors. They may lay pipes in highways, but shall repair the same. They may lay pipes through any streets or common grounds about Westminster, making good the same, and carrying away the rubbish. At the request of the inhabitants the commissioners shall set up pipes upright in the likeness of pumps, for conveying water into fire-engines. Locks to be fitted to such pipes, and churchwardens to keep the keys. This act shall not hinder the new river company, &c. from enjoying all lawful rights, &c. No proprietors of waterworks shall hinder, &c. the laying, &c. of the said pipes, &c. No sharer shall transfer his share till water be brought into the reservatory intended to be made near Oliver's Mount.

CAP. XXVII.

An act for the better preventing abuses committed in weighing and packing of butter in the city of York:

FORASMUCH as butter is one of the chief commodities of the produce of several parts of the county of York, and county of the same city, and great quantities thereof are brought into the city of York, from thence to be transported beyond the seas, and otherwise disposed of: and whereas there hath, time out of mind, been within the said city a free market for butter, which for many years last past hath been kept in Micklegate in the said city: and whereas the bringing of butter to the said market, where the same was searched and weighed, hath been found to be the most effectual means of preventing the false weighing and packing of butter, and did formerly gain a great reputation, both at home and abroad, to butter brought to the said market; but of late years several farmers of dairies, owners, and other traders in butter, the better to conceal the false weighing and packing of their butter, to be by them disposed of, have neglected to bring the same to the said market to be searched and weighed, by means whereof not only the traders in the said commodity at home, but foreigners also have been greatly deceived in the weight, goodness and soundness thereof, and thereby the said commodity yields not that price, nor is sold in such quantities, as otherwise it would be: for remedy whereof, and for the better encouraging the said butter-trade, and (in order thereunto) for the better preventing the frauds and abuses in the weighing and packing of butter; may it please your most excellent Majesty (at the humble request of the mayor and commonalty of the said city) that it may be enacted, &c.

After March 25, 1722. Micklegate, or any other place in York, (at the election of the mayor, &c.) shall every day in the week, except Sundays, be a free market for butter. All butter brought to York to be sold, exported, &c. shall be weighed, searched and sealed at the market at one half-penny a firkin, &c. Dairy farmer, &c. selling or transporting butter before it be brought to the market to be viewed, &c. shall forfeit for every firkin, &c. 3 s. 4 d. One half to the poor, where, &c. the other to the informer.

informer. If any firkin, &c. of butter, shall be faulty in quantity or quality, the owner shall be liable to the forfeitures in 13 & 14 Car. 2. c. 26. Prosecution to be in four months. The mayor to appoint the searcher, who shall be sworn at Easter sessions. Persons aggrieved may appeal to quarter-sessions, whose determination shall be final. This act shall not extend to any vessel, containing only four pounds or under.

CAP. XXVIII.

An act for supplying the records of the commissary court of Aberdeen, burnt or lost in the late fire there.

WHEREAS an accidental dreadful fire happened within the town of Aberdeen, on or about the thirtieth day of October one thousand seven hundred and twenty one, whereby the office, commonly called the commissar clerks office, was suddenly consumed, and at the same time the registers and records therein of all testaments and confirmations, all acts of curacy, judicial renunciations, ratifications, decreats, dispositions, bonds, bills, and other writs and evidences, together with the principal writings themselves, then in the said office as the warrants of extracts and precepts, were intirely burnt and destroyed, whereby many persons are and will be in great danger of losing their rights, by reason the extracts of such writings and precepts as are in their hands, will not be sufficient, as the law now stands, to defend them against actions of improbation: for relieving therefore of such persons, and for preventing any inconvenience or prejudice that may at any time happen to them from such actions of improbation, be it enacted, &c.

This act is made more effectual by 9 Geo. 1. c. 25. Persons who before March 25, 1723: shall be possessed of any extract or precept given out of the commissary court of Aberdeen since October 30, 1621, and before October 30, 1721. may, before March 25, 1723. tender the same to the clerk of the commissariat, which shall be marked by the commissar, who, together with his clerk shall sign a minute, &c. which shall be of the same authority as the old extracts before they were burnt. The extracts delivered in shall remain in the office. Extracts produced in process shall be deemed sufficient to satisfy the production in any action of improbation, &c. The lords of session are to find the production satisfied in any action of improbation, by the deposited extract. The lords of session shall make up the tenor of such writings, as they think sufficient evidence that such writings were recorded. The clerk or his deputy to give notice to persons interested in writings so burnt.

CAP. XXIX.

An act for preventing delays in the execution of the trust reposed in the governors of the hospital of King James, founded in Charter-House, at the charges of Thomas Sutton, esq; for the benefit of the said hospital.

WHEREAS the governors of the hospital of King James, founded in Charter-house within the county of Middlesex, at the humble petition and only costs and charges of Thomas Sutton, esquire, are a body corporate and politick; by the name of the governors of the lands, possessions, revenues and goods of the hospital of King James, founded in Charter-House within the county of Middlesex, at the humble petition and only costs and charges of Thomas Sutton,

ton, esquire. And whereas the number of the said governors is sixteen, and consequently, whilst the said number is full, by law there must be nine of the said sixteen present to make any corporate assembly, or do any corporate act: and whereas by reason of the great quality and stations of several of the governors, and the distance of their respective habitations and places of abode, it is by experience found difficult to get an assembly of nine, so often as the affairs of the said corporation do require; and inasmuch as by law the consent of five is sufficient to do a corporate act, supposing nine to be present: may it therefore please your Majesty, That it may be enacted, &c.

The acts and deeds of any five of the governors of the Charter House, duly assembled there, shall be deemed the acts and deeds of the corporation, as if done at a corporate meeting by all the governors.

CAP. XXX.

- 10Geo. 1. c. 36. An act for repairing the highways from the Stone's End at White Chapel church in the county of Middlesex, to Shenfield, and to the furthestmost part of the parish of Woodford, leading to the town of Epping in the county of Essex.

CAP. XXXI.

An act to vest the ground, wharf and key, called Wool Key, in the parish of All-Saints Barking in the city of London, with the buildings and warehouses thereupon, in trustees for his Majesty, his heirs and successors for ever, subject to an agreement made on his Majesty's behalf with the wardens and assistants of the free-school in Sevenoake in the county of Kent.

Preamble reciting the last will of William Sevenocks.

WHEREAS William Sevenocks, citizen and grocer of London, by his last will and testament, bearing date the fourth day of July in the year of our Lord one thousand four hundred and thirty two, did give and bequeath all his lands and tenements, and the buildings thereupon, with all their appurtenances, which he then lately had by feoffment from Margery Walton, in Petty Wales Street in the parish of All-Saints Barking, near the tower of London, to the rector, vicar, churchwardens and other parishioners of the town of Sevenocks in the county of Kent for ever, upon trust out of the rents and profits thereof, to find and maintain for ever one master well skilled in grammar, and a bachelor of arts, who should keep a grammar-school in some convenient house within the said town of Sevenocks, to be purchased with his goods at the discretion of his executors; and likewise out of the said rents and profits for ever, to give and pay to twenty poor men and women of the said parish quarterly, ten shillings a-piece, who should live within the said town in houses to be purchased for them by his executors, and for other charitable purposes in the said will mentioned: and whereas her late Majesty Elizabeth Queen of England, by letters patent under the great seal of England, bearing date the first day of July in the second year of her reign, did grant, That there should be for ever in the town of Sevenocks aforesaid, a free grammar-school, called the grammar-school of Queen Elizabeth, for the education, institution and instruction of children and youth in grammar and other learning; and that in

Recital of the letters patent of Queen Elizabeth.

the parish of Sevenocks there should be an incorporation, to consist of two wardens of the said parish of Sevenocks, and of the free school, and of four assistants, inhabitants of the said town and parish, by the name of the wardens and four assistants of the town and parish of Sevenocks, and of the free school of Queen Elizabeth in Sevenocks; and afterwards by an act of parliament, passed in the thirty ninth year of the said Queen's reign, intituled, An act concerning the school of Sevenocks, therein reciting, That for many years there had been in the said town and parish of Sevenocks one hospital or alms-house for relief of the poor, and one free school for the teaching of youth, which had been at first erected by the said William Sevenocks, citizen and grocer of London, who by his last will and testament endowed the same, as therein mentioned, and that such endowment had been afterwards augmented by others; it was enacted, That for the better establishment of the said incorporation, every article and clause in the said letters patents should for ever be and remain of force and validity in law, according to the true meaning and purport thereof; and that the said wardens and assistants, and their successors for ever, should quietly have and enjoy, to the use of the said school and poor people, the messuages, lands, tenements, rents and hereditaments, on them bestowed, with the appurtenances, without any let or evasion whatsoever, according to the charitable and true meaning of the founders and benefactors: and whereas several warehouses or other buildings have been erected upon part of the lands in the said parish of All-Saints Barking near the tower of London, which were devised by the said William Sevenocks for the charitable purposes aforementioned, and the remainder thereof hath been converted into and used as a wharf or key for landing goods on, and the same warehouses, wharf or key, have been usually let, from time to time, by leases from the wardens and assistants of the said town and parish of Sevenocks, and of the free school of Queen Elizabeth in Sevenocks, all which are now expired: and whereas it would prove of great advantage to the said charity, if the said wardens and assistants were enabled to raise by the disposition of the said warehouses, wharf or key, a competent sum of money to be employed in rebuilding, repairing, furnishing and fitting up the said free school, and hospital or alms-houses, all which are much out of repair, and in enlarging the same, and for other charitable uses appointed by the said will; and likewise obtain a settled revenue for the better support and maintenance of the said charities in all times to come; and it would be likewise for the service of his Majesty and the publick, if the said warehouses, wharf and key, might be purchased for the use of or in trust for his Majesty, his heirs and successors, as lying contiguous to his Majesty's present custom-house, whereby the same may be built or fitted up for warehouses, offices or other conveniencies for merchants, or the commissioners of his Majesty's customs, and officers employed in the managing or collecting the revenue arising by the said customs; whereupon his Majesty, out of his pious inclination to promote so useful and beneficial a charity, and to advance the publick good, hath graciously been pleased to signify his royal pleasure, That the said wardens and assistants should at present be paid two thousand five hundred pounds, with interest, as herein after mentioned, for the purposes

Recital of the
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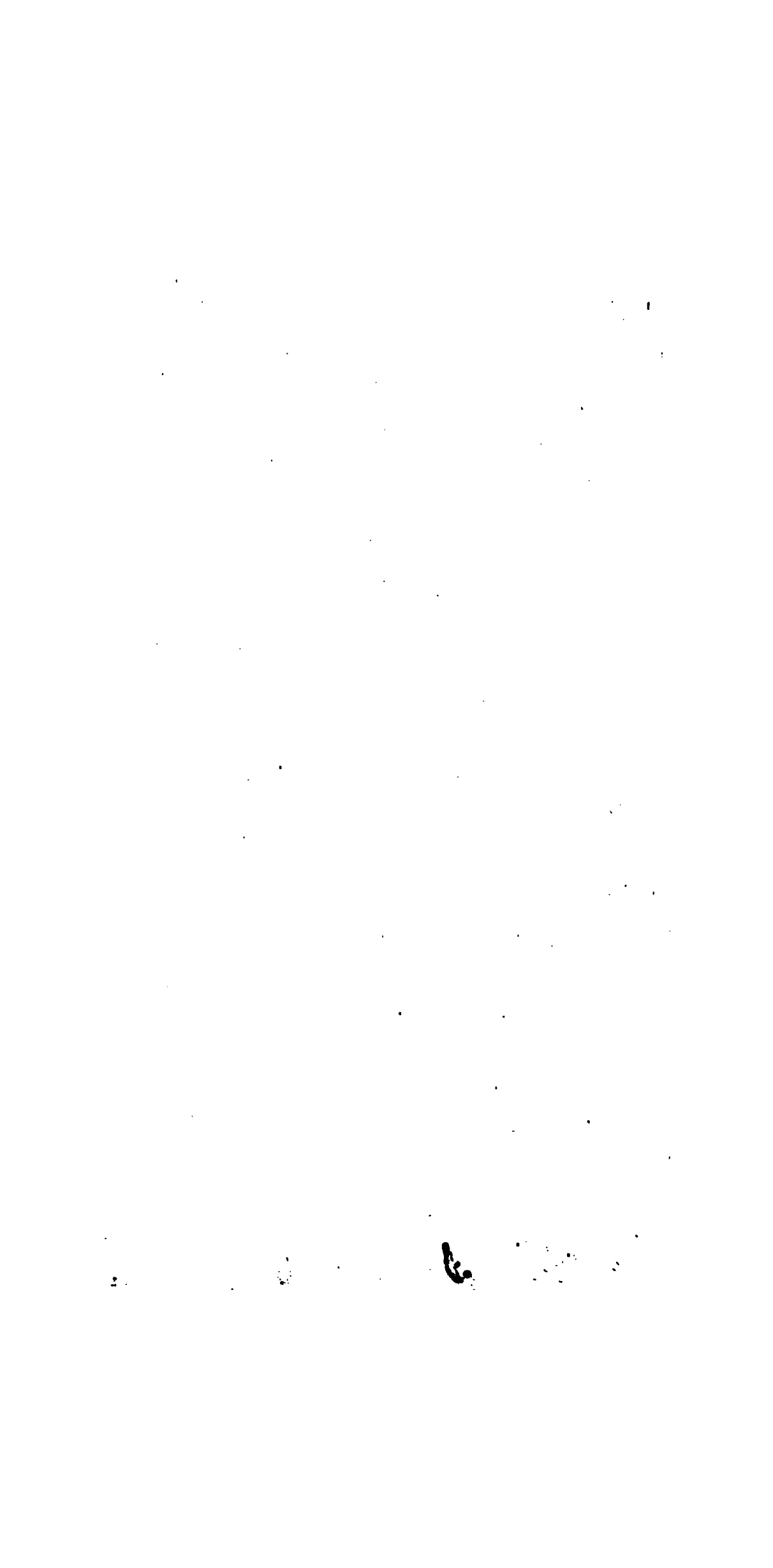
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herein after mentioned, and should for the future receive the yearly rent of five hundred and fifty pounds, to be paid to them and their successors, for the maintenance of the charitable uses intended by the said founder and benefactors, in all times to come, in case the fee-simple and inheritance of and in the said warehouses, wharf and key, herein after more particularly described, be conveyed and assured unto, or to the use of proper trustees and their heirs, in trust for his Majesty, his heirs and successors, subject to the payment of the said annual rent; whereunto the said wardens and assistants most readily assented, and are willing the fee-simple and inheritance of the premises should be conveyed accordingly, so as the said annual rent be effectually secured to them and their successors for ever, for the perpetual support and maintenance of the charities aforementioned, but are not able to make such conveyances or assurances without the aid of an act of parliament: may it therefore please your most excellent Majesty, That it may be enacted, &c.

The piece of ground called Harts Horn Key, &c. vested in trustees for the use of the crown. Chargeable with the payment of 2500l. with interest, and the annual rent of 550l. for the purposes in the act. Payable to the wardens, &c. of Sevenocks. Interest of the said sum to be computed after the rate of 4l. 10s. per annum. Payable out of the customs. The said 2500l. and interest to be paid to the said wardens, &c. before March 25, 1722, who are to expend the same in rebuilding, &c. the school, &c. Saving clause to the crown, &c.



The END of the Fourteenth VOLUME.



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